

BRIAN SANDOVAL  
Governor

C. J. MANTHE  
Director



JD DECKER  
Interim Administrator

STAN OLSEN  
Chairman

*Members*  
BRUCE AGUILERA, ESQ.  
JAMES E. CAMPOS  
ROGER C. THOMPSON, Ph. D  
RICHARD DAVID GROOVER

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TAXICAB AUTHORITY  
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## MINUTES OF THE MARCH 12, 2018 BOARD MEETING

### 1. Call to Order

Chairman Stan Olsen called the meeting to order at 9:03 am at the location of 2080 E. Flamingo Road, Suite 114, Las Vegas, Nevada 89119

#### Present from the Nevada Taxicab Authority Board

Chairman Stan Olsen  
Member Bruce Aguilera  
Member Roger Thompson  
Member Richard David Groover  
Asheesh Bhalla DAG (Temporary)

#### Member Not Present

Member James Campos

### 2. Pledge of Allegiance to the Flag.

Member Thompson led the Pledge of Allegiance to the Flag.

### 3. Compliance with Open Meeting Law

Administrator Ronald Grogan stated the meeting was in compliance with the Open Meeting Law.

### 4. Public Comment.

No Comments.

### 5. Approval of the February 22, 2018 Board Meeting Minutes – *FOR POSSIBLE ACTION.*

Intervenors - Western Cab – No comments  
Member Aguilera requested a motion to approve the minutes from February.  
Member Thompson second the motion  
All in favor – *motion passes.*

### 6. Discussion about roles and responsibilities of Administrator in regards to communications, guidance and direction from the Board.

Chairman Olsen: *Item 6 is going to be struck from the agenda today.*

7. **Workshop** – Discussion to adopt, amend, and/or delete regulations implementing changes contained in Assemble Bill 487 (“AB487) of the 79<sup>th</sup> (2017) Nevada Legislative Session and updating already existing regulations.

*Chairman Olsen stated this is the first time the Board is running the workshop in a public setting.*

*John Marushok, Frias Transportation stated a review in the last year of getting alternate routes approved. Spring of 2017 successful hearings where Frias, Bell, Desert, YCS and Western, provided a study to the Board where we wanted alternative routes to be approved that made sense to not be included as a long hauling violation. 300 routes were run to show routes between alternative streets. It should not be construed as long hauling based that they were longer in distance but shorter in time and in fare. Routes were run between Frank Sinatra, Koval Lane and Parts of the I-15. Routes also from Mandalay Bay to Caesar’s – via Frank Sinatra. Mandalay Bay to Treasure Island, the Stratosphere, Wynn and the Downtown Grand. Also New York New York on Tropicana on the freeway I-15 – going to Caesar’s, Treasure Island, the Stratosphere and the Downtown Grand. Also routes on Koval lane that began at the MGM Grand and went to Planet Hollywood, Flamingo, Wynn and Stratosphere. 3 points were measured during that study: amount of distance, amount of time and the overall fare to each one of those locations. If the Board doesn’t have the results from the presentation one will be handed out. I didn’t send them in advance because it’s the same study and same information provided back in the spring. (whisper..this is sheer torture). Chairman Olsen stated they did not have the presentation.*

*Member Groover stated he recalled this. This hearing was continued for one month for Chief to develop some statistics to confirm or rebut what this chart says. Did we ever receive that report from you Chief?*

*Chief Aquino replied that routes were run and I have no report refuting this information. We ran the routes at any given time of day. Pending on the season those routes could be quicker, or could be delayed by traffic pending on the time of day. I’m not refuting this document at all.*

*Mr. Marushok stated the routes were run two times of the day. One is mid-day considered 11 am to 2 pm. The evening were considered 7 pm to 11 pm. Frank Sinatra from Mandalay Bay to Treasure Island was approximately 24 cents less on the meter on average with a savings of 3 minutes. The Downtown Grand was \$2.37 cheaper in 9 minutes. Conclusion is the farther you use those alternative routes, agree with Chief, pending on the traffic on the strip at particular times of day. The longer you’re off the strip the more minutes you generally save and the study went on. Chairman Olsen asked if the evening ones were generally 7 pm to 11 pm. John Marushok stated that was correct.*

*Chairman Olsen stated the fare was 25 cents more on the blvd going to Caesar’s, but it added 2 minutes. Frank Sinatra was \$12.37, but \$11.90 to go down the blvd. It was 9 minutes on Frank Sinatra but 11 minutes on the blvd.*

*Mr. Marushok replied in that case it only saved 2 minutes. The mid-day and the evening were ran and for those trips there was an accumulative average of all the trips combined to see the daily average. From hours 11 am to 11 pm - Mandalay Bay down Frank Sinatra to Caesar’s was on average 23 cents more but saved 2 minutes. Wynn \$1.54 less saving 7 minutes, the Downtown Grand saving 7 minutes for 82 cents less.*



*The tunnel being an alternative route was not part of the study. It was taken out specifically so the focus would be on these 3 corridors. - getting on the freeway, going from hotel to hotel on the west side of the strip, and or in downtown. The fare did go up, with the exception of the Downtown Grand, on average using the 15. The case of Treasure Island was the only significant increase - savings of time of 1-14 minutes pending on the destination. Koval lane, a route is commonly accepted as an alternative route by us and the authority. The average to Planet Hollywood was slightly more but little time savings. The other hotels start being a significant savings in dollars and time.*

*Chairman Olsen questioned how many times split up who was running what route.*

*Mr. Marushok replied each route was run approximately 6 times in the day and the evening. YCS, Desert and Frias, Western had a meeting and split up all those routes and determined which company was going to run which. Anomalies were thrown out and then the routes were rerun in both directions. The city has grown to an extent in which these streets were put in place in order for traffic to move from point A to point B. A. - for the enjoyment for our visitors and to get up and down the blvd more efficiently. B. - to get people to use public transportation to and from their destination without having to sit in traffic. How do these routes get approved? How we get the language written to move it to LCB? The Board has had the opportunity and the ability to approve these routes without doing that as well.*

*Kimberly Maxson-Rushton stated on behalf of the Livery Operator's Association that under your statutory authority, you have broad powers in which to adopt regulation and interpret statutes that you deem necessary. This is the process the Taxicab Authority should undergo with your consideration of alternate routes. A regulation isn't needed to do that. The Board has the authority to consider an application for action by a member of the industry. The Board may approve the application, modify or move any direction. I ask that in lieu of the regulations proposed to the specific alternative routes, that you consider opening up an application process allowing us to present the information that Mr. Marushok has presented today. An application in which people can intervene on and other participants can participate in. I ask for your consideration for the application process as it applies to the alternative routes.*

*Temporary AG Bhalla replied that this is one way the Board can precede. The question is; how does the Board want to interpret the current regulations? The recommendation from the public is prudent in order to have some basis and data and input. The Board does have options here with the workshop process or to do this. The Board does the authority to interpret the regulation. If you want to have a regulation then we would want the workshop as we are doing now.*

*Member Aguilera stated there is already a regulation out there that covers some of this. We're going to do an application and interpret the current regulation as we deem fit.*

*AG Bhalla stated to Ms. Maxson that you are making a pleading to have a hearing before this Board. That would be a basis in which the Board would make a decision about interpreting the regulation. That would be able to use as administrative case law for the staff to interpret going forward. Is that correct Ms. Rushton? Ms. Rushton replied that it was correct.*



*Member Thompson – I understand the Board can interpret the regulation set for by the legislature in a way we think they intended to make it.*

*AG Bhalla replied correct. The Board is not allowed to engage or the Authority is not allowed to engage in at policy making. We need to apply regulations and any sort interpretation that needs to come through actual complaints or pleadings that come before the Board. This is one process the Board can engage in order to put some interpretation on the record. Otherwise issuing some sort of interpretation or policy document is not allowed.*

*Member Thompson felt that interpreting the legislation is exactly what everyone does. This case there is a little ambiguity in understanding what direct means. It's not limited to geometric distance between points A and B. We have the justification and the responsibility to interpret this legislation the best that we can. Once that is done, nothing else is required.*

*AG Bhalla replied that's correct. The Board wants to consider clarity needed on the regulation that's existing. A consensus of the Board can come to beforehand to determine whether any further process is needed in order to provide the clarity for the existing regulation.*

*Ms. Rushton replied that if the process was adopted, it would follow the same process you do with tariffs. A party would submit an application to identify an alternative route for approval. Consider a hearing would be held, and then the routes would be deemed to be alternative routes authorized for drivers to utilize. Then the routes would not be interpreted as intentional long-hauling. It's consistent with the obligation to insure passengers that the direct route was used, only after your deliberation, consideration and approval. That process is what administrative law is really about. It doesn't bind you to a specific alternative route and you're allowed to use it for the period you deem is necessary.*

*Member Thompson stated to Chairman Olsen that listening to Ms. Rushton speak, a can of worms is being opened up when giving control to the individual cabs. Are they choosing the correct route? Cab companies rely on the drivers to make the decisions. We need to know where every cab is every time of the day, where it's going and how it gets there. If we open up alternate routes, the ability to do well outweighs the ability to do badly.*

*Member Aguilera stated that with construction on I-15 nobody would want to take I-15 north or south. Alerts are sent out about heavy construction. You need to run your business efficiently. Having cars stuck on the freeway or side street doesn't do that.*

*Mr. Marushok replied it does not. The drivers are knowledgeable of that information. Many drivers believe being stuck on the I-15 isn't good for their books. Member Thompson to close out your comment, it's not to open up a Pandora box. Coming in front of this board to have routes approved that from a time or distance stand point is barely ever much different. Not to approve alternative routes that may be a \$6 more. That's not the intent.*





*The intent is to allow streets that have been built since 1969 when this was first written and allow our industry to travel from point A to point B in an efficient manner. Not to just provide savings of time and money, but also guests service. We have to survive off guests' service. We're not going to beat our new competitors pricing but we can provide a better service.*

*Member Thompson replied I understand that and that's why I support what's been said. I do worry though and how do you stop your cab guy from doing the extra \$6. It's difficult to enforce.*

*Mr. Marushok replied that it is difficult to enforce but once the routes are approved it removed things trying to enforce. There is significant savings in time on almost all of the routes. When the industry is trying to discipline our drivers and/or get rid of bad drivers were getting back to egregious long-haulers. When things are approved that make common sense, and focus on the things that are egregious, it makes things easier for our sake and the Authorities. When Frias gets a long-hauling citation and somebody was over 50 cents over the estimated fare, our drivers are brought in and talked to. In reality were looking at this as 50 cents. We don't have enough drivers to discipline over 50 cent long-hauls. Having routes that makes sense makes everyone's job easier.*

*Member Thompson replied that if alternate routes are approved I would like to see responsibility to have the egregious drivers removed. Talking with people who have taken cabs, it's more prevalent that I expected. There is only so much the Taxi Authority can do.*

*Ms. Rushton commented:*

*Section 2, we are recommending that instead of going forward with the regulations that specific to alternative routes that we open that up to an application process. Bill 487 there were changes that the operations of the Taxicab Authority and some oversight requirements that used to be in place and were modified. The packet before you is with the changes.*

*Subsection 9 definition of regular business hours allows the agency to deviate from those. You're allowed to identify additional hours of service. 706.453 the independent drivers and their authority to AB487. A more significant which changes the ability of the drivers to lease the vehicles.*

*Section 6, 706.478 references to the independent contracted driver.*

*Section 7 is the color scheme; the approval of the administrator is no longer required pursuant to the statute. Subsection 1B the obligation of identification on the left rear bumper.*

*Section 8 has been repealed to the changes of Bill 487.*

*Section 9 has a single word change from medallion to decal.*

*Section 10 are the changes to 706.492 under Subsection 4 the air intake defines it to the engine versus the carburetor.*

*Section 11 is the inspection and sealing obligation is provided to the Authority or designee to perform that function.*

*Section 12 is an amendment to 706.510, the utilization of trip sheets.*

*Section 13 is recognizing the specifics of the lease authority in the independent contractor and status of the driver. Also provides Administrator or designee with the authority to retrieve a permit from a driver or independent contractor pursuant to the leased provision when the permit is expired, voluntarily surrendered or altered or lost in anyway.*



*Section 14 incorporates the statutory (inaudible)*  
*Section 15 (inaudible)*  
*Section 16 is training requirements (inaudible)*  
*Section 17 (inaudible)*  
*Subsection 4 is a significant change (inaudible) limiting 5 passengers to 6.*  
*Section 18 incorporates (inaudible)*  
*Section 19, 706.549 same obligation (inaudible) hours of service*  
*Section 20 (inaudible)*  
*Section 21 (inaudible) vehicles are searched afterwards and anything that is found is handed over to lost property (inaudible).*  
*Section 22 for prohibited acts (inaudible)*  
*Section 23 (inaudible)*  
*Section 24 (inaudible)*  
*Subsection 1 independent contracted drivers (inaudible)*  
*Section 25 is requirements for lease vehicles (inaudible)*  
*Section 26 (inaudible)*  
*Section 27 (inaudible)*

*Chairman Olsen questioned Ms. Rushton that if they are operating as a TNC then the does not apply to them. Ms. Rushton replied 372B (inaudible).*

*Section 28 (inaudible)*  
*Section 29 specific to 706.5567 (inaudible)*  
*Section 30 (inaudible)*  
*Section 32 (inaudible) repealed*

*Member Aguilera questioned regarding Section 24 NAC 706.551 which states a certificate holder may be lease a taxicab to an independent contractor and must comply with this. The next page shows that independent contractors who are in pursuant to that section must be in compliance with A. small a and c. Have a valid active agreement with transportation network company entered in pursuant to 706A. I understand a driver can be an operating cab and work with the TNC also, correct? Ms. Rushton replied correct. Member Aguilera asked Ms. Rushton if it's the same vehicle with the medallion on it. Ms. Rushton replied yes.*

*Member Thompson asked Chairman Olsen when the passenger load is increased from 5 to 6 are there enough seat belts. Mr. Marushok replied yes. Unknown speaker stated we are required to have a seatbelt for every passenger. Mr. Marushok stated that at one time vans were running with empty seats in them. Something would be put into the seat so it couldn't be removed. That has now been removed and can use all seats with seatbelts.*

*Member Aguilera asked if we need to approve these now. Chairman Olsen stated they are NRS. AG Bhalla replied they were NRS, but now need to be incorporated into the NAC.*



*Public – George Balaban, Desert Cab Company, Ms. Rushton read thru the changes to the NAC by the staff in regards to regulations changes. There are some things that are in the NAC that we would like to have changed or removed that involve the mechanical standards, inspections of our vehicles. They are handled in the NRS, the detail in the NAC is knit picky about things. We are trying to compete with TNC's, the regulations that are written in the NAC's are enforced upon us, but not our competitors. If allowed a break there are changes in this NAC 706.9 Taxicab mechanical standards and special equipments that you would be open to removing.*

*Chairman Olsen stated a 10 minute break would be taken. Chairman Olsen called the meeting back to order at 10:12.*

*Chairman Olsen requested that Ms. Rushton give the packet of info in ahead of time. Ms. Rushton replied that she did not furnish that (inaudible). Member Groover questioned who did. Chairman Olsen questioned Administrator Grogan where the document came from. Administrator Grogan stated it came from us and it's been on the website since last October. This was presented at the first workshop. Chairman Olsen replied that we didn't get it in our email.*

*Mr. Marushok stated that there are a few comments about time, distance and how to get that. We've heard the definition of most direct refer only to the Authority as two things. 1. That's the way it's been done. 2. The shortest route has always been definition of most direct route and it hadn't been defined. In support of the application process, most direct might have been defined since 1969. The shortest route was defined in 2013 by the Legislature in regards to the real time data system which the authority was given a requirement to put into effect by the end of 2013. The data system was to measure 706.8825(f)(1) to give the passenger to select the shortest route by time or distance. It never made it into existence and was repealed that is part of 487. It also did that in 706.1516 in reference to limousine operation. That language in 2017 was not repealed and still exists. Time or distance; the important word is OR, not and. Ms. Rushton added that's part of the application process (inaudible).*

*Chairman Olsen stated to the Board members regarding to Ms. Rushton's recommendation on the application process if there were any opinions. Questioned if it was a better way to go, as AG Bhalla felt it would. Member Aguilera stated he liked the application process. He questioned if it would be one application for all companies or individuals. Ms. Rushton replied (inaudible). Member Groover asked if that would be an item to vote on at the next meeting.*

*Chairman Olsen asked Mr. Balaban if he would be withdrawing that until the next meeting. Mr. Balaban replied yes. Chairman Olsen questioned on how he wanted it worded. Mr. Balaban responded "Updating language involving the mechanical standards and/or equipment for taxicabs."*

*Administrator Grogan questioned where the Board is going with language for 8846 – Alternate route. If approved that would be a part of the new language. You will need to have another process that brings that decision together. Will that process go thru LCB? If so, then another submission to LCB would be needed. Chairman Olsen responded that were going to wait for her application on route. During that discussion if we accept part or none of it, the decision will be made then. If there is a decision made on all/part then we would have to adopt it into the regulations. Doing that, we won't need to go to LCB. My legal advisor told me I'm ok on that part. Administrator Grogan stated he was unsure.*



Chairman Olsen questioned if there was a motion to adopt this minus Section 10. 706.492. Member Groover made the motion to adopt. Member Aguilera second the motion. Chairman Olsen confirmed the motion passed.

## 8. Staff Report

### *Future Agenda Items*

*Mr. Balaban will be sending the requested items to the Administrator.*

*Ms. Rushton will be handling the application discussed – continuing the workshop.*

*Staff reports if there is time.*

## 9. Report of Legal Counsel

*Temporary Deputy Attorney General Bhalla had nothing to report.*

## 10. Public Comment.

*Administrator Grogan stated that as he sat here quietly today on purpose. Today I'm announcing that I sent this letter to my staff, when this meeting started. When I accepted this position nearly 3 years ago I did so with a plan that I would be here for 2-3 years. I never thought that time would pass so quickly. However, it has passed and given the challenges facing the industry and the TA, and after much thought, I have decided that the timing is right for me to step down from my position at Administrator.*

*I have discussed this decision with CJ Manthe, the Director of Business and Industry and we agreed that it is important to have an Administrator who would be committed to the Agency for the next several years. Both the industry and agency are transitions and continuity in leadership will be critical over the next few years.*

*When I took this job many friends and colleagues warned me that it would be challenging, and they were right it has been a challenge. However, it has also been very rewarding. I believe we have had some significant accomplishments together. Although circumstances have caused us to shrink in size it has not compromised our ability to execute to our responsibilities. I cannot express how thankful I am for all of your hard work, dedication and flexibility as we responded to the many changes we faced over the years.*

*I wish all of you the very best, personally and professionally going forward. I will be watching the TA from the sidelines as I am playing golf.*

*Chairman Olsen thanked Administrator Grogan for the time and effort put into the operations. We all came into a challenge. Trying to work together at times has been difficult, but other times a pleasure. Thank you for all of your work.*

## 11. Adjournment (Action)

*All in favor of adjournment – Motion passes*

