

BEFORE THE NEVADA TAXICAB AUTHORITY

1 2 3 4 5	IN THE MATTER OF THE PUBLIC HEARING) Regarding Modifying Taxi Rates During the) Electric Daisy Carnival))))	<u>FINDINGS OF FACT, CONCLUSIONS</u> <u>OF LAW AND ORDER AUTHORIZING</u> <u>ADDITION OF A SPECIAL EVENT</u> <u>SURCHARGE RATE FOR THE</u> <u>ELECTRIC DAISY CARNIVAL</u>
-----------------------	--	---

6 THIS MATTER came before the Nevada Taxicab Authority Board (the "**Board**"), at its
 7 regularly scheduled public meeting on April 17, 2024 (the "**Hearing**"), for consideration of the Board
 8 initiated rate review of a proposed special event surcharge for the May 2024 Electric Daisy Carnival
 9 ("**EDC**"). The Hearing was held at the Nevada State Business Center, located at 3300 West Sahara
 10 Avenue, Suite. 400, Las Vegas, Nevada 89102.

11 PRESENT: Dan R. Reaser, Chair
 12 Donald Soderberg, Vice Chair
 13 J.D. Decker, Member
 14 Todd Park, Interim Taxicab Authority Administrator
 Ziwei Zheng, Deputy Attorney General

15 A Petition to Intervene was filed by Henderson Taxi, Whittlesea Blue Cab, Nevada Yellow Cab,
 16 Nevada Checker Cab, New Cab Co., Nevada Star Cab, Virgin Valley, and Desert Cab, each a member
 17 of the Livery Operator's Association of Las Vegas (collectively referred to as "**LOA**") present and
 18 represented by legal counsel, Kimberly Maxson Rushton. There were no other Intervenors. Also
 19 appearing were Cheryl Gibbons of Whittlesea Blue Cab and Henderson Taxi, Michael Bailin of
 20 Yellow Checker Star Cab Companies and New Cab Co. and Rich Frakes of Virgin Valley and Desert
 21 Cab. No one appeared in opposition to a proposed surcharge.

22 Based on the evidence presented to the Board and following consideration of the arguments
 23 presented during the Hearing, the Board hereby enters the following Findings of Fact, Conclusions of
 24 Law and Order (the "**Decision**"):

FINDINGS OF FACT

25
 26 1. The administrative record in this matter consists of the Notice of Public Hearing, the
 27 Public Board Meeting Notice and Agenda, the Petition for Leave to Intervene and its Exhibit 1 and the
 28 testimony of the Intervenors through their attorney Kimberly Maxon Rushton, and testimony from Mr.

1 Bailin and Mr. Frakes. Todd Park, Interim Administrator for the Nevada Taxicab Authority spoke on
2 behalf of the Nevada Taxicab Authority (“the TA”).

3 2. Pursuant to NRS 706.8818 and NAC 706.471(2) the Board seeks to inquire into the
4 modification of existing taxi rates through the imposition of a special event surcharge fee (the "EDC
5 Surcharge Fee") during the May 2024 EDC event beginning May 17, 2024, and ending the morning
6 of May 20, 2024.

7 3. The Board granted the Petition to Intervene, pursuant to NAC 706.894, as the
8 intervenors are directly and substantially affected by these proceedings.

9 4. Counsel for the LOA provided an overview of the need for a surcharge, the legal
10 authority for requests to modify rates and the justification for a special event surcharge fee in this
11 instance.

12 5. In support of the surcharge, Mr. Bailin testified to the necessity of having a special
13 event surcharge and how it will be used to financially incentivize taxi drivers to work during the EDC.
14 Based on the experiences with the F1 Grand Prix, Super Bowl and March Madness, and discussions
15 that the operators have had with taxi drivers at their respective companies, the operators proposed that
16 the EDC Surcharge Fee should be fifty dollars (\$50.00).

17 6. The LOA confirmed to the Board that one hundred percent (100%) of the surcharge
18 received by permitted drivers of leased taxicabs, would be retained by the driver. It noted the fact that
19 there are variances among the certificated companies, however, approximately forty-three percent
20 (43%) of the EDC Surcharge Fee will be included in the commissions paid to permitted employee
21 drivers.

22 7. Mr. Bailin provided testimony regarding the method by which the taxi meters can be
23 programmed to include a surcharge rate, which will activate when a driver enters a specified area
24 during the EDC event. A representative from Kaptyn further testified to the fact that the taxi meters
25 can be programmed to effectuate the implementation of the EDC Surcharge Fee, through designation
26 of physical coordinates at or surrounding the venue of the EDC event using electronic geolocation
27 technology for a prescribed period of time (the "Geofence").
28

1 8. Intervenors requested that the Board authorize the EDC Surcharge Fee to commence at
2 12:00 p.m. on Friday, May 17, 2024, and to end at noon on Monday, May 20, 2024. Interim
3 Administrator Todd Park detailed direct discussions with EDC management. Key reminders for
4 drivers should be to use Exit 52B East Tropical Parkway only, and to discourage or disallow
5 passengers to exit the taxicab outside the designated pickup and drop off zone ("**PUDO**") within the
6 Geofence. The drivers should avoid Speedway Blvd. and Las Vegas Blvd. for access to the official
7 Geofence. While the EDC management could not comment on specific fees charged by other carriers,
8 they did inform Interim Administrator Park that the historical range would be between \$100-\$150 per
9 trip to/from the EDC.

10 9. The range of the Geofence that will trigger the special event surcharge fee will be
11 between one to three miles surrounding the Las Vegas Speedway. The industry shall submit its
12 Geofence radius recommendation to Interim Administrator Park on or before April 30, 2024, who will
13 then determine and approve the Geofence parameters and will advise the industry.

14 10. The LOA submitted the Geofence parameters on or about April 26, 2024, and the
15 Geofence approved by Interim Administrator Park is attached to this Order as Exhibit "A".

16 11. To determine the effectiveness of a "special event surcharge fee" the Board requested
17 that certificated taxi carriers provide statistical information following the EDC. Specifically, the Board
18 requested submission to the TA on or before May 31, 2024, statistics documenting the following: (i)
19 how many drivers actually availed themselves and made the conscious decision to drive an empty cab
20 from Las Vegas to the Speedway; (ii) what time of day did those drivers do that-either by the hour or
21 by blocks of time; and (iii) the number of medallions operated during the EDC Surcharge Period (the
22 "**Special Event Surcharge Metrics**"). The Special Event Surcharge Metrics are to be provided to the
23 Board for consideration at a future public meeting of the Board for the purpose of evaluating whether
24 to conduct a hearing on adopting a general special event surcharge rate structure.

25 12. After discussion and deliberation, the members of the Board present at Hearing, having
26 fully considered the law and being fully advised in the premises, voted unanimously in favor of a
27 motion to approve the EDC Surcharge Fee proposal for the EDC Surcharge Period and subject to the
28 Special Event Surcharge Metrics reporting requirements.

CONCLUSIONS OF LAW

1
2 1. The Hearing was held in compliance with the provisions of the Nevada Open Meeting
3 Law, the Nevada Administrative Procedure Act, Chapter 706 of the Nevada Revised Statutes (the
4 "NRS") and Chapter 706 of the Nevada Administrative Code (the "NAC").

5 2. The geographic area subject to this Order is Clark County, Nevada.

6 3. The Board is duly constituted and may regulate the conduct of the taxicab business.
7 NRS 706.8818.

8 4. Generally, the Board may attach to the exercise of the rights granted by the allocation
9 of taxicab medallions any terms and conditions that in its judgment the public interest may require.
10 NRS 706.8824(5).

11 5. The Board is directed by law to review the rates, charges, or fares of the certificate
12 holders in its jurisdiction. NRS 706.8824(6)(b).

13 6. The Board has the authority to review and adjust, alter, or change the taxicab rates,
14 charges, or fares for taxicab service in Clark County, Nevada, and is the only entity authorized to do
15 so for taxicab service within its jurisdiction. NRS 706.8819(1)(a); NAC 706.471(1).

16 7. The rates, charges, or fares of all certificate holders within a county under the
17 jurisdiction of the Board must be uniform, unless there is a showing that the public interest requires
18 otherwise. NAC 706.471(3).

19 8. In conducting an administrative investigation, inquiry, or hearing, neither the Board nor
20 any of its officers or employees are bound by the technical rules of evidence, and no informality in
21 any proceeding or in the manner of taking of testimony will invalidate any order, decision, rule, or
22 regulation made or approved by the Board. NAC 706.948(1).

23 9. The Board has the authority to ensure that the traveling public and spectators attending
24 the EDC have access to readily available, safe and reliable transportation services. In furtherance of
25 that objective, the Board concludes the public interest will be served by implementing the EDC
26 Surcharge Fee proposal for the EDC Surcharge Period to support the efforts of the certificated taxi
27 carriers to deploy as many of the authorized taxicabs as possible to serve the traveling public. NAC
28 706.909(3).

1 10. In accordance with NRS 233B.121, NRS 233B.123 and NRS 233B.135, and consistent
2 with NAC 706.909(2) & (4), the reliable, probative and substantial evidence submitted to the Board at
3 the Hearing establishes by a preponderance of such evidence:

4 a. The EDC Surcharge Fee should be set at forty dollars (\$40.00) on all taxi trips
5 that originate at locations within Clark County outside the Geofence to the PUDO through the
6 Geofence established taxi zone located on or around the Las Vegas Speedway and will be known as
7 Tariff 2. The EDC Surcharge Fee should be set at sixty dollars (\$60.00) on all taxi trips that originate
8 from the Geofence located around the PUDO established taxi zone located on or around the Las Vegas
9 Speedway to locations within Clark County outside the Geofence and will be known as Tariff 3.

10 b. The EDC Surcharge Fee should be applicable during a period that
11 accommodates the travelling public for a reasonable period preceding and following the Event.
12 Accordingly, the EDC Surcharge Period should commence Friday, May 17, 2024, at 3:00 p.m. (PST)
13 to midnight and continue through to Saturday, May 18, 2024, at 10:00 a.m. Commence again on
14 Saturday, May 18 at 3:00 p.m. to midnight and continue through to Sunday May 19 at 10:00 a.m.
15 Finally on Sunday May 19 at 3:00 p.m. to midnight and continuing through Monday, May 20, 2024, at
16 10:00 a.m. to provide a reasonably calculated continuance of taxi services.

17 11. Based on the fact that the imposition of the EDC Surcharge Fee proposal for the EDC
18 Surcharge Period is a pilot program, the public interest will be served by the collection and analysis of
19 Special Event Surcharge Metrics to determine the effectiveness of special event surcharges in
20 improving full work force participation by permitted taxicab drivers to provide services to the
21 traveling public during special events in Clark County, Nevada. Accordingly, the Board concludes
22 that Special Event Surcharge Metrics reporting requirements are an appropriate exercise of the Board's
23 authority pursuant to NRS 706.8819(1)(a) and NAC 706.471(1).

24 12. The interests, welfare and convenience of the travelling public are served by the EDC
25 Surcharge Fee proposal for the EDC Surcharge Period and subject to the Special Event Surcharge
26 Metrics reporting requirements.

1 13. Public policy favors approval and adoption of the EDC Surcharge Fee proposal for the
2 EDC Surcharge Period and the imposition of the Special Event Surcharge Metrics reporting
3 requirements.

4 14. The Board's approval of the Surcharge Fee is a reasonable and permissible exercise of
5 its authority to regulate the taxicab industry and its rates in the public interest.

6 15. If any of the foregoing conclusions of law is more appropriately construed as a finding
7 of fact, it may be so construed.

8 **ORDER**

9 THEREFORE, IT IS HEREBY ORDERED:

- 10 1. The Board GRANTS a special event Surcharge Fee to be imposed during the 2024 EDC.
- 11 2. An EDC Surcharge Fee of forty dollars (\$40.00) on taxi trips that originate from locations
12 within Clark County outside the Geofence to the PUDO through the Geofence established
13 taxi zone located on or around the Las Vegas Speedway and will be known as Tariff 2.
14 The EDC Surcharge Fee should be set at sixty dollars (\$60.00) on all taxi trips that
15 originate from the Geofence around the PUDO established taxi zone located on or around
16 the Las Vegas Speedway to locations within Clark County outside the Geofence and will
17 be known as Tariff 3. The Geofence as approved by the Interim Administrator Park is set
18 forth in Exhibit "A".
- 19 3. The implementation of the EDC Surcharge Fee using the Tariff 2 and Tariff 3 meter rates
20 will not supersede any existing taxi rate but instead be added onto the applicable rate
21 during the EDC Surcharge Period, is APPROVED.
- 22 4. Implementation of the EDC Surcharge Fee for the EDC Surcharge Period will commence
23 Friday afternoon, May 17, 2024, at 3:00 p.m. (PST) to midnight and continue through to
24 Saturday morning, May 18, 2024, at 10:00 a.m. Commence again on Saturday afternoon,
25 May 18 at 3:00 p.m. to midnight and continue through to Sunday morning May 19 at
26 10:00 a.m. Finally, on Sunday afternoon May 19 from 3:00 p.m. to midnight and
27 continuing through Monday morning, May 20, 2024, at 10:00 a.m., is APPROVED.
28

- 1 5. The imposition upon the certificated taxicab companies of the Special Event Surcharge
2 Metrics reporting requirements and the reporting submission date of May 31, 2024, is
3 APPROVED.
- 4 6. For the purposes of planning, programming, and implementing the EDC Surcharge Fee,
5 this Order is effective upon the date signed. For the purpose of imposing the EDC
6 Surcharge Fee, this Order is effective at 3:00 p.m. (PST) on Friday, May 17, 2024, and
7 continuing to and terminating at 10:00 a.m. (PST) on Monday, May 20, 2024.
- 8 7. The Board retains jurisdiction to correct any error that may have occurred during the
9 drafting or issuance of this Order.

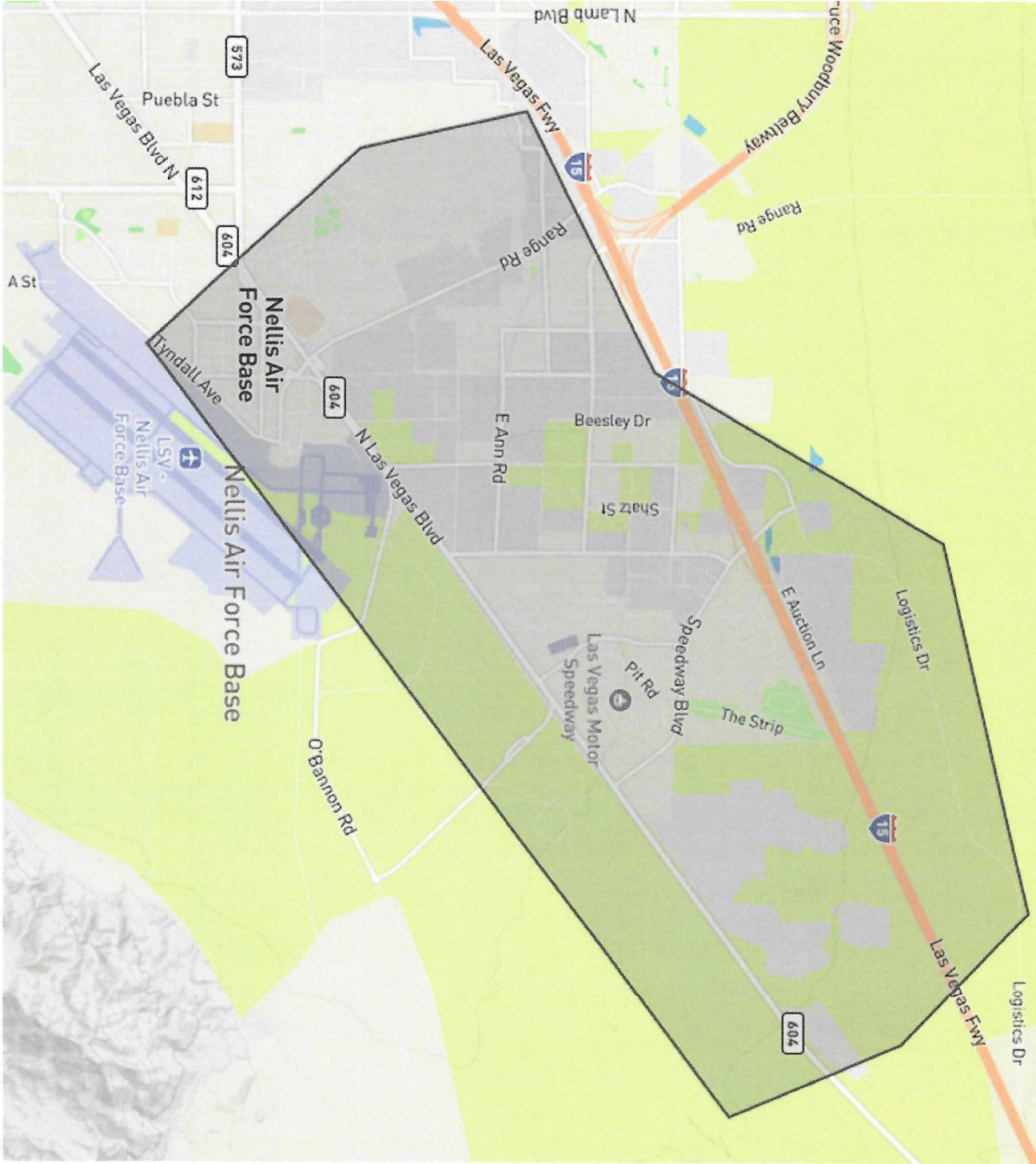
10 DATED this 30th day of April 2024.

11 STATE OF NEVADA
12 TAXICAB AUTHORITY BOARD

13
14 By: *Dan R. Reaser*
15 Dan R. Reaser, Chair.
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "A"

EXHIBIT "A"



Las Vegas Blvd N

Puebla St

573

612

604

Lyndall Ave

Nellis Air Force Base

604

N Las Vegas Blvd

E Ann Rd

Beesley Dr

Shatz St

Nellis Air Force Base

O'Garra Rd

Las Vegas Motor Speedway

Pit Rd

Speedway Blvd

The Strip

604

E Auction Ln

Logistics Dr

Las Vegas Fwy

Logistics Dr

Las Vegas Fwy

15

Las Vegas Fwy

Range Rd

15

15

A St



Projected geo fencing from both company.

