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BEFORE THE NEVADA TAXICAB AUTHORITY

IN THE MATTER OF THE APPLICATION OF:)
Henderson Taxi, Whittlesea Blue Cab, Nevada)
Yellow Cab, Nevada Checker Cab, Nevada Star)
Cab, New Cab Co., Virgin Valley and Desert Cab)
to Modify Taxi Rates.)
_____)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER AUTHORIZING
ADDITION OF A SPECIAL EVENT
SURCHARGE RATE**

THIS MATTER having come before the Nevada Taxicab Authority Board ("**the Board**"), at its regularly scheduled public meeting on March 20, 2024 (the "**Hearing**"), for consideration of the Application to Modify Taxi Rates filed on February 21, 2024 (the "**Application**"), by Henderson Taxi, Whittlesea Blue Cab, Nevada Yellow Cab, Nevada Checker Cab, New Cab Co, Nevada Star Cab, Virgin Valley, and Desert Cab (collectively the "**Applicants**").

The Hearing was held at the Nevada State Business Center, located at 3300 West Sahara Avenue, Suite. 400, Las Vegas, Nevada 89102.

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

The Applicants were present and represented by legal counsel, Kimberly Maxson Rushton. Appearing on behalf of the Applicants were Cheryl Gibbons of Whittlesea Blue Cab and Henderson Taxi and Michael Bailin of Yellow Checker Star Cab Companies and New Cab Co. The Applicant carriers are each members of the Livery Operators Association of Las Vegas ("**LOA**").

Consistent with Nevada law, the Application was noticed to the public on February 23, 2024. There were no Petitions for Leave to Intervene or Protests filed nor did any individual appear before the Board in opposition to the Application.

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1 Based on the evidence presented to the Board during the Hearing, including consideration of
2 the Applicant's arguments, the Board hereby enters the following Findings of Fact, Conclusions of
3 Law and Order (the "**Decision**"):

4 **FINDINGS OF FACT**

5 1. The administrative record in this matter consists of the Application, Notice of the
6 Application, the Public Board Meeting Notice and Agenda, **Exhibit 1**⁻³ accompanying this Decision
7 and the testimony of the Applicants, Ms. Gibbons and Mr. Bailin.

8 2. The Application seeks authority from the Board to modify existing taxi rates to include
9 a special event surcharge fee (otherwise referred to as the "**Tournament Surcharge Fee**"), during
10 round one of the 2024 (Men's) NCAA Basketball Tournament.

11 3. Counsel for the LOA provided an affirmative presentation, which included an overview
12 of the Application, the legal authority for requests to modify rates and, the justification for a special
13 event surcharge fee in this instance.

14 4. In support of the Application, the Applicant witnesses provided historical statistical
15 information, which demonstrates the increase in tourism in Las Vegas during the first round of the
16 2024 NCAA Basketball Tournament. Further testimony was provided by the Applicants that the
17 beginning of the subject basketball tournament coincides with the Spring Break Holiday, the result of
18 which exponentially increases the number of visitors to Clark County.

19 5. The Applicant representatives testified to the taxi industry's prior use of a special event
20 surcharge fee and how it was used to financially incentivize taxi drivers to work during the peak
21 events. Based on the Applicant's experience with the F1 Grand Prix and the Super Bowl, Applicants
22 have determined that the proposed Tournament Surcharge Fee should be ten dollars (\$10.00), which
23 the Board considered to be fair and reasonably based.

24 6. Applicants confirmed to the Board that the one-hundred percent (100%) of the
25 surcharge, received by permitted drivers of leased taxicabs, would be retained by the driver.
26 However, based on the variances in pay structures amongst the certificated companies, approximately
27 forty-three percent (43%) of the Tournament Surcharge Fee will be included in the commissions paid
28 to permitted employee drivers.

1 7. Applicants testified about the ease in which the taxi meters can be programmed to
2 include a "Tariff 2" surcharge rate, which will activate when a driver enters one of the Airport Strip
3 Corridor zones during the approved Tournament Surcharge Fee Period.

4 8. Pursuant to the Application, Applicants request that the Board authorize the imposition
5 of the Tournament Surcharge Fee for taxi services provided during certain hours commencing on
6 March 20, 2024, through March 25, 2024 (round one of the 2024 NCAA Basketball Tournament).
7 Applicants testified that the proposed time frame will accommodate individuals in Las Vegas for the
8 basketball tournament and/or spring break without imposing the surcharge fee on passengers during
9 non-peak periods or for services outside of the approved zones. The Tournament Surcharge Fee
10 proposed time frame was as follows:

- 11 2:00 p.m. (PST) – 2:00 a.m. on Wednesday, March 20, 2024
- 12 8:00 a.m. – 2:00 a.m. Thursday, March 21, 2024 – ~~Sunday~~, ^{Monday} March ~~24~~, ²⁵ 2024
- 13 5:00 a.m. – 12:00 p.m. Monday, March 25, 2024

14 9. To determine the effectiveness of a "special event surcharge fee" the Board requested
15 Applicants provide statistical information following the NCAA Basketball Tournament. Specifically,
16 the Board requested that the following statistics be submitted to the Authority on or before April 8,
17 2024: (i) the total number of rides provided during the Tournament Surcharge Fee period; (ii) the
18 number of rides provided in the zones during such period; (iii) the number of rides provided outside of
19 the zones during said Period; (iv) the number of rides provided during the Period in comparison to the
20 number of rides provided during the same time in 2023; (v) the number of shifts operated during the
21 Tournament Surcharge Fee period; and (vi) the number of trips provided the weekend before the
22 Basketball Tournament Surcharge Period and the weekend after such period (otherwise referred to as
23 the "Special Event Surcharge Metrics"). The Special Event Surcharge Metrics shall be provided to
24 the Board for review at the April General Session Meeting. The Board will consider the Special Event
25 Surcharge Metrics to determine whether to authorize an extension of a "special event surcharge fee"
26 for events scheduled to take place in 2024 and 2025.

27 10. After discussion and deliberation all four Board members present at the Hearing,
28 having fully considered the points raised in the Application, as well as all applicable laws, voted

1 unanimously to approve the Application. Therefore, subject to the Special Event Surcharge Metrics
2 reporting requirements, effective immediately all taxi carriers in Clark County shall charge a \$10.00
3 Surcharge Fee for certain taxi services performed concurrent with round one of the 2024 NCAA
4 Men's Basketball Tournament, during the time periods proscribed herein.

5 **CONCLUSIONS OF LAW**

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

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

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

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

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

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

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

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

27 9. The Application is in proper form and substance. NAC 706.909.

28

1 10. The Board statutorily is obligated to ensure that the traveling public has access to
2 readily available, safe and reliable transportation services. In furtherance of that objective, the Board
3 hereby concludes that the public interest will be served by allowing taxi carriers to impose a
4 Tournament Surcharge Fee during the periods of time identified herein. In granting this Application
5 the Board has determined that it is in the public interest to assist certificated taxi carriers in their effort
6 to deploy as many of the authorized taxicabs as possible in order to serve the traveling public. NAC
7 706.909(3).

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

11 a. The Tournament Surcharge Fee should be set at ten dollars (\$10.00) on all trips
12 performed within the existing established taxi zones located on and around the Airport Strip Corridor
13 as well as taxi trips that originate or terminate in one of such identified taxi zones during the
14 applicable period.

15 b. The Tournament Surcharge Fee will be applicable during a period that
16 reasonably accommodates the travel public during round one of the NCAA Basketball Tournament.
17 Accordingly, the Tournament Surcharge Fee shall be in effect as follows:

- 18 2:00 p.m. (PST) – 2:00 a.m. on Wednesday, March 20, 2024
- 19 8:00 a.m. – 2:00 a.m. Thursday, March 21, 2024 – ~~Sunday~~, ^{Monday} March ~~24~~, ²⁵ 2024
- 20 5:00 a.m. – 12:00 p.m. Monday, March 25, 2024

21 c. The Tournament Surcharge Fee should be implemented using a new meter rate,
22 identified on the meter as "Tariff 2", and providing that "Tariff 2" will not supersede any existing taxi
23 rate but instead be added onto the applicable zone rate during the Tournament Surcharge Fee period.

24 12. NAC 706.909(5) requires the Applicants requesting a rate modification to submit
25 supporting financial statements. NAC 706.876 authorizes the Board to allow a deviation from this
26 regulatory requirement if good cause establishes that waiver is not contrary to the requirements of a
27 statute and compliance is unnecessary. The Board concludes that good cause to waive the
28 requirements of NAC 706.909(5) exists here given the imposition of the Tournament Surcharge Fee is

1 a pilot program targeted to determine the best rate-making practices to encourage full work force
2 participation by permitted taxicab drivers in order to ensure the availability of taxi services during
3 special events in Clark County, Nevada. Accordingly, financial statements of the certificated taxicab
4 companies would not provide probative evidence useful in determining the reasonableness of a special
5 event surcharge rate.

6 13. The imposition of the Tournament Surcharge Fee, during the applicable period is
7 deemed to be a “pilot program.” As such, the Board finds that the public interest will be served by the
8 collection and analysis of the Special Event Surcharge Metrics to determine the effectiveness of a
9 special event surcharge in improving work force participation during special events in Clark County,
10 Nevada. Accordingly, the Board concludes that Special Event Surcharge Metrics reporting
11 requirements are an appropriate exercise of the Board's authority pursuant to NRS 706.8819(1)(a) and
12 NAC 706.471(1).

13 14. The interests, welfare and convenience of the travelling public are served by the
14 proposed Tournament Surcharge Fee and the additional taxi services provided during the applicable
15 Tournament Period.

16 15. Moreover, public policy favors approval of the Application, adoption of Tournament
17 Surcharge Fee proposal for the Tournament Surcharge Period and the imposition of the Special Event
18 Surcharge Metrics reporting requirements.

19 16. The Board's approval of the Application is a reasonable and permissible exercise of its
20 authority to regulate the taxicab industry and its rates in the public interest.

21 17. If any of the foregoing conclusions of law is more appropriately construed as a finding
22 of fact, it may be so construed.

23 **ORDER**

24 THEREFORE, IT IS HEREBY ORDERED:

25 1. The Board GRANTS the Application requested by Applicants and accepted at the
26 Hearing.

27 2. A Tournament Surcharge Fee of ten dollars (\$10.00) on trips originating and / or
28 ending within any Airport Strip Corridor zone is APPROVED.

1 3. The implementation of the Tournament Surcharge Fee using a new meter rate,
2 identified on the meter as "Tariff 2", and providing that "Tariff 2" will not supersede any existing taxi
3 rate but instead be added onto the applicable zone rate during the Tournament Surcharge Period, is
4 APPROVED.

5 4. The Tournament Surcharge Period for Implementation of the Tournament Surcharge Fee is
6 2:00 p.m. (PST) – 2:00 a.m. on Wednesday, March 20, 2024
7 8:00 a.m. – 2:00 a.m. Thursday, March 21, 2024 – ~~Sunday, March 24, 2024~~ ^{Monday 25}
8 5:00 a.m. – 12:00 p.m. Monday, March 25, 2024

9 and is hereby APPROVED.

10 5. The imposition upon the certificated taxicab companies of the Special Event Surcharge
11 Metrics reporting requirements and the reporting submission date of April 8, 2024, is APPROVED.

12 6. For the purposes of planning, programming, and implementing the Tournament
13 Surcharge Fee, this Order is effective upon the date signed.

14 7. The Board retains jurisdiction to correct any error that may have occurred during the
15 drafting or issuance of this Order.

16 DATED this 20th day of March, 2024.

18 STATE OF NEVADA
19 TAXICAB AUTHORITY BOARD

20 By: Dan R. Reaser
21 Dan R. Reaser, Chair.