

**LCB File No. R218-97**

BEFORE THE TRANSPORTATION SERVICES AUTHORITY OF NEVADA

In re the Adoption of Proposed )  
Regulations for the Processing ) Docket No. 97-11002  
of Taxicab Authority Appeals. )  
\_\_\_\_\_ )

**NOTICE OF INTENT TO ADOPT REGULATIONS,**  
**REQUEST FOR COMMENTS AND**  
**NOTICE OF HEARING**

The Transportation Services Authority of Nevada (Authority) became a new state agency on October 1, 1997 and is responsible for providing review of decisions of the Taxicab Authority pursuant to Sections 125, 137 and 203 of Assembly Bill 366 passed by the 1997 Legislature and signed into law on July 16, 1997.

The Authority has adopted emergency regulations to handle appeals from the Nevada Taxicab Authority, but under NRS 233B.061 these emergency regulations can remain in effect for not more than 120 days. The Authority now proposes to adopt these emergency regulations as permanent regulations.

The need for and purpose of the proposed regulations is to set forth requirements and procedures for the appeal to the Transportation Services Authority of certain final decisions of the Nevada Taxicab Authority under NRS 706.8819.

The proposed regulations are not expected to have an immediate or long term economic effect on the regulated community or on the public. The Authority does not envision any increased costs associated with enforcement of the proposed regulations. The proposed regulations do not overlap or duplicate any other state or local government regulations. The proposed regulations would establish a \$200 filing fee for defraying the Transportation Services Authority's costs of processing an appeal.

REGULATIONS ATTACHED

NOTICE IS HEREBY GIVEN that a public hearing as been scheduled:

THURSDAY, FEBRUARY 5, 1998

10:00 a.m.

Sawyer Building  
555 E. Washington Avenue, Room 4412 E  
Las Vegas, Nevada 89101

for the purpose of receiving comments from all interested persons regarding the proposed regulations. Persons wishing to comment on the proposed actions of the Authority may appear at the scheduled public hearing or may submit written comments for filing at the Authority's office, 555 E. Washington Avenue, Room 4600, Las Vegas, Nevada 89101. on or before Friday January 30, 1998. If no person who is directly affected by the proposed actions appears to request time to make an oral presentation, the Authority may proceed immediately to act upon any written submissions.

A copy of this notice and the complete text of the proposed regulations are on file and available for public inspection at the State library, 100 Stewart Street, Carson City, Nevada and at the office of the Authority, 555 E. Washington Avenue, Room 4600, Las Vegas, Nevada 89101. In all counties where an office of the Authority is not maintained, a copy of this notice and proposed regulations will be available for public inspection at the main public library during business hours. Copies will also be mailed to members of the public upon request.

Upon adoption of any regulation, the Authority, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise

statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling consideration urged against its adoption.

This notice has been posted at the county courthouses in Carson City, Reno and Las Vegas.

By the Authority,

CLAYTON L. HOLSTINE, Deputy Commissioner

Dated: Las Vegas, Nevada

December 2, 1997

**LCB File No. R218-97**

Chapter 706 of the NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 5, inclusive, of this regulation:

**Section 1. Taxicab Authority Appeals**

(a) An aggrieved party to a final decision of the taxicab authority pursuant to NRS 706.8819, may appeal to the transportation services authority by filing a notice of appeal within 15 days of the date of the decision. A notice of appeal must also be filed with the taxicab authority and all parties of record.

(b) A notice of appeal must consist of a document or correspondence which states that the aggrieved party is appealing from a decision of the taxicab authority and designates the case or docket number and date of the decision. The notice of appeal must also include a copy of the decision being appealed.

(c) The taxicab authority shall prepare, certify and transmit the original of all documents, pleadings, records, tape recordings, certified transcriptions of tape recordings and any transportation services authority no later than 30 days after receipt of the notice of appeal. The appellant shall bear the cost of preparing the record on appeal. The transportation services authority, upon a showing of good cause, may allow the taxicab authority additional time in which to submit the record on appeal.

(d) Upon receipt of the record on appeal, the transportation services authority shall notify the appellant that he has 30 days to file a written brief setting forth the ground or grounds upon which the appellant considers the final decision of the taxicab authority to be erroneous. The brief shall not exceed 20 pages and must include specific citations to the record and the applicable legal authority. The brief must be served upon all parties of record.

(e) Only final decisions of the taxicab authority regarding the following matters are subject to review by the authority:

(1) Applications to adjust, alter or change the rates, charges or fares for taxicab service;

(2) Applications for certificates of public convenience and necessity to operate a taxicab service;

(3) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;

(4) Applications to change the total number of allocated taxicabs in a county to which NRS 706.88237 to 706.88245, inclusive, apply; and

(5) Appeals from decisions of the taxicab authority made pursuant to NRS 706.8822.

(f) Where appeal is provided within the taxicab authority (e.g., from decisions of a hearing officer or the administrator), only the final decision of the taxicab authority is reviewable by the transportation services authority.

(g) No temporary, intermediate, preliminary or revocable decision of the taxicab authority is subject to review.

## Sec. 2. Filing Fees and Appeal Procedure

(a) Upon filing of a notice of appeal, the appellant must submit a filing fee of \$200 payable to the Transportation Services Authority.

(b) Administrative appeals will be submitted to the chairman at the time the notice of appeal is filed with the transportation services authority. Based on the complexity of the issues, the chairman will determine whether to assign a hearing officer or to put the matter on the agenda for discussion. Following the time for filing of briefs, the chairman or hearing officer may request oral argument or the petition may be decided on the written briefs.

(c) The taxicab authority and other parties of record shall serve and file a response to the appellant's brief within 15 days after service of the brief. The appellant shall serve and file a reply thereto within 7 days after service of the response. Upon motion, for good cause shown, this briefing schedule may be modified by the chairman or hearing officer.

(d) The prevailing party may be directed to submit proposed findings of fact, conclusions of law and order.

(e) The transportation services authority will render a decision within 60 days of the filing of the reply.

## Sec. 3. Standard of Review

Review of a final decision of the taxicab authority shall be confined to the record on appeal and the decision may be set aside in whole or in part if the decision of the taxicab authority was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record.

## Sec. 4. Authority of the Transportation Services Authority

The transportation services authority may affirm, reverse, modify or remand a decision of the taxicab authority appealed pursuant to NRS 706.8819.

Sec. 5. Prohibition on Stays

The decision of the taxicab authority that is the subject of an administrative appeal shall not be stayed during the pendency of the appeal.