

TRANSPORTATION COMMITTEE MEETING - MINUTES
MARCH 31, 1977
3:15 P.M.

MEMBERS PRESENT: Chairman Hayes Mr. Harmon
 Mr. Demers Mr. May
 Mr. Glover Mr. Jacobsen

MEMBER EXCUSED: Mrs. Westall

GUESTS PRESENT: Thomas Dougherty
 K. H. Moldenhausser
 Fred Yanez
 Salvatore Millonzi
 Robert Geller
 Robert M. Volin
 Jean Millonzi
 Carl Chaplin, WNCC
 Ted Fawcett, WNCC
 Ted Forsythe, Yellow Cab Co.
 Louis Wiener, Jr, Yellow Cab Co. (Atty.)
 Pat Carver, Yellow Cab Co. - Gen. Manager
 Jack James, Taxicab Authority
 James Avance, Taxicab Authority
 Henry G. Mercer
 Russ Nielson, U.P.I.
 Howard Hill, Director, Department of Motor Vehicles
 Leo Hendrickson

AB 295

Mr. Demers moved to adopt the amendment to AB 295 as proposed by the subcommittee (Amendment adds section 4 and reads "If a national energy emergency is proclaimed by the President of the United States or the Board of Directors of the Department of Highways receives official notification that moneys from the Federal Government for highway projects will be terminated unless the national maximum speed limit is enforced, the changes made by this act shall cease to be effective.")

Mr. May seconded the motion. Chairman Hayes, Mr. Demers, Mr. Glover and Mr. May voted "yes"; Mr. Jacobsen voted "no"; motion carried.

Mr. Demers moved to do pass AB 295 as amended; Chairman Hayes, Mr. Demers, Mr. Glover and Mr. May voted "yes"; Mr. Jacobsen voted "no"; motion carried.

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AB 453 and AB 499

Mr. Howard Hill, Director, Department of Motor Vehicles, presented information pertaining to technical implementation of AB 453 and AB 499, information requested by the Committee. He introduced and discussed a proposed amendment to AB 499. (See EXHIBIT A)

Information received by the Department from California, a state with experience in this area, indicates a card attached to the back of license should be used. California had advised not to put the information directly on the back of the license as this entailed many changes and the cost was prohibitive. The attached card allows the potential donor to specify all or just parts of the body he wishes donated; with space for donor signature and that of two witnesses. Information from the Lions Club is that they will come up with \$3000 and if they do there will not be a need for a fiscal note. This amount would cover the printing of the cards and also the information pamphlets. If \$3000 is insufficient to cover the costs they will attempt to raise additional funds, possibly some part from the Kidney Foundation.

Mr. Hill stated that it would be the policy not to utilize employees of the Department of Motor Vehicles as witnesses.

Chairman Hayes asked if the Committee passed both bills (AB 453 and AB 499) would the Department work out the details.

Mr. Hill stated it would be easier for the Lions Club to raise the funds if their bill were passed (AB 499).

Mr. Jacobsen asked if the seal of the Lions Club on the card would present a problem.

Mr. Hill replied the seal would not present a problem because the Lions Club was paying the costs of the program.

Mr. May said he preferred a totally separate card containing the donor information with the sticker on the license for ready identification. The sticker would indicate there was another card in possession of the fatality victim that detailed the gift and contained the legal requirements.

Mr. Hill said the separate card would be less costly and he did not object to it. There was no problem with the sticker system. If the Committee approved and it were adopted the second sentence of the last two paragraphs of the proposed amendment (Exhibit A) would not be applicable.

Chairman Hayes appointed Mr. May as a subcommittee of one to work with Mr. Hill on the details of implementation documents of AB 453 and AB 499.

Assembly

AB 260

Mr. Thomas Dougherty, a taxicab driver from Las Vegas, spoke in favor of AB 260. He stated, under Section 1 of the bill, the drivers were asking for an appeal system for administrative hearing findings, particularly punitive hearings. The Taxicab Authority Board can fine and/or revoke a permit to drive a cab; the drivers feel they do not now have adequate recourse in challenge of decisions, many of which they think are unjust; they object to admissibility of hearsay evidence in the hearings; there is anti-driver bias on the Board and in the City caused by newspaper reports of unjustified Board actions and release of biased information. Mr. Dougherty read a newspaper article to demonstrate his point. The article dealt in part with increased income and cab fare increases. The increases were defended as they were the first increase in three years. There has actually been a decline in income and fringe benefits. (see EXHIBIT B)

Mr. Dougherty stated the Taxicab Authority was indifferent to crimes--crimes committed against cabdrivers (See EXHIBIT C)

Mr. Dougherty discussed Section 3 of AB 260; The drivers needed someone on the Board who understood the problems of the taxicab owners and drivers. He commented on Section 4 2 (d), Section 5 3, Section 6 2 (b) and Section 8 2 (b). Commenting on Section 9 2, Mr. Dougherty stated that even though a driver should win an appeal, the suspension had already been imposed and the money that would have been earned during time of suspension was lost. Even if the case were won the driver loses because the penalty is imposed immediately upon the findings of the Board.

Upon questioning by the Committee, Mr. Dougherty enlarged upon what the drivers feel are violations of rights in their hearing and appeal procedures before the Taxicab Authority, especially the denial of the right of cross examining witnesses; due consideration is not afforded their position.

Mr. Demers asked if they were denied the right to air their grievances in a court of law and was told the drivers could not afford the expense of court trials; and there was nothing to be gained by this as the driver had already been penalized by the suspension.

Mr. Demers asked if the drivers has considered forming an association to work out these problems and was told it had been considered but they hoped this bill would solve their problems.

Mr. Kenneth Moldenhauser, a cab driver, speaking in favor of AB 260, related a personal incident demonstrating violation of rights - citing lack of proper investigation; false evidence; failure to allow review of unfavorable evidence; and failure to consider evidence favorable to the driver.

In response to questioning by Mr. May, Mr. Moldenhauser said his case was heard before the taxicab court.

Mr. Fred Yanez, a taxicab driver, objected to the long hours (12) of work imposed on him, dismissal from his job due to his objection, and failure of the Taxicab Authority to act in his behalf. The reason for the dismissal as stated in a letter from employer was inefficiency and incompetency yet this driver had been on the job four years without any such charges being levied against him.

Salvatore Millonzi, stated he had been working with the drivers to try to get AB-260 passed. He was of the opinion there was no real trouble with the Taxicab Authority Board except that actions concerning the drivers were one-sided and this condition should be corrected. He spoke on the increased allocation of cabs in the Las Vegas area, stating it resulted in a decrease in income of \$15 to \$20 a day at a time when inflation demanded increases. This type of action should be prevented from happening.

Mr. Robert Geller related a personal incident of unjust punitive action by the Taxicab Authority. The incident occurred to another driver and he had been simply acting as go between to resolve the situation (luggage left in a cab) and both the cab driver and himself were fined and suspended.

Mr. Robert Volin, also a taxicab driver, stated there were 321 cabs in Clark County that operate 24 hours a day utilizing 800 drivers. The attitude of the Taxicab Authority Board was indifference to individual problems of drivers. The majority of the drivers were responsible people just attempting to earn a living. He stated the Taxicab Authority should enforce the statutes and read some of those statutes. He stated some members of the Committee were on record as opposing excess restrictions and the cab drivers were working against this also.

Mr. James Avance, of the Taxicab Authority, stated he had been Chief of Police in Las Vegas and he opposed AB 260. He said the cab drivers had all the rights they were now asking for. The right of appeal is inherent in any administrative body. Copies of statutes and rules were submitted to the Committee for their review. (see EXHIBIT C and EXHIBIT D)

Decisions made by the Board have been overturned on appeal. The drivers are not happy with the make up and the number on the Board but it has been the history of this legislature to limit rather than expand regulatory bodies. Three members are a more workable number; adding as members of the Board, a taxicab owner and driver would create a conflict of interest situation; this is not an advisory board but a regulatory board.

New language in the proposed bill, page 3, lines 11 and 12, provides consideration for the interest welfare and well being of the driver whereas the primary consideration of the Taxicab Authority is the

public welfare; however, the Board is concerned with the drivers and their problems.

Line 26, page 3, the concept of one main color for cabs is unworkable. Colors identify particular cabs and without this the public would not be able to specify a cab they had observed or in which they had been a passenger.

Line 39, page 3, dealing with sexual offenses, the administrator may refuse to issue a driver permit; this is left to the discretion of the Administrator. The cab drivers do not know the background of those with whom they work. What they know is what the individual has chosen to tell them.

Line 48, page 4 is discriminatory. A driver can refuse a fare because it is a short trip or he fears he will not receive a toke.

Mr. Avance stated these points are the items under consideration and it is his opinion the changes are not warranted.

Mr. Glover asked if there were drivers holding permits now who had committed sexual offenses.

Mr. Avance replied "yes", there were such drivers now.

Mr. Louis Wiener, Jr., attorney, Yellow Cab Company, stated he had been involved in the cab industry as an owner and as an attorney. It was his opinion that some of the complaints were due to misunderstanding. Hearsay evidence is admitted in some incidences in a court of law. The rights the drivers are asking for are granted by statute, now. He is opposed to enlargement of the Taxicab Authority Board by adding a driver and an owner. They would have to rule for or against themselves and their competitors, creating a conflict of interest situation. Mr. Wiener said he did not always approve of the actions of the Board but this is the best arrangement that has existed; before their creation turmoil reigned in the taxicab industry. No one on the Board should be in a position to have an actual or implied bias. In their actions regarding allocations they would be remiss if increased need of taxi service were not anticipated and provided for; the benefits and the conveniences of the public is the primary concern of the Board.

Mr. Wiener said further the hours a driver worked could not be regulated by statute as this had been attempted and did not withstand court action.

Mr. Glover noted Mr. Wiener had mentioned court action several time in his testimony and this was the difference between the owner and the drivers--the drivers could not afford to go to court to resolve their differences. He was of the opinion their rights were being violated.

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Mr. Wiener replied that the bill read that "if the Taxicab Authority does not give what they consider a fair hearing they have the right for further appeal". They already have that right.

Mr. Leo Hendrickson, representing a union, reiterated the unjustness of invoking suspensions and fines immediately upon the findings of the Board and before an appeal can be made. Pertaining to the "sexual offenders" language, it was his belief the applicants would be given due consideration. In so far as the make up of the Board is concerned, he would like to see driver and owner representation but all their investigations bore out the conflict of interest factor.

It was suggested the Board members should have to ride with the drivers to see first hand their problems.

The meeting adjourned at 5:05 P.M.

Respectfully submitted:



M. Robertson, Secretary

451.565

6. For the purpose of the donation of all or part of a body, a driver's license or an identification card issued by the department of motor vehicles which carries on its back an authorization by the licensee or cardholder constitutes written permission pursuant to the anatomical gift act.

483.340

5. The department may permit attachment to the back of a driver's license the licensee's authorization for the donation of all or part of a body pursuant to NRS 451.500 to 451.585, inclusive. No public entity or employee shall be liable for any loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the attachment pursuant to this section.

483.840

4. The department may permit attachment to the back of an identification card the holder's authorization for the donation of all or part of a body pursuant to NRS 451.500 to 451.585, inclusive. No public entity or employee shall be liable for any loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the attachment pursuant to this section.

This act shall become effective on or after September 1, 1977.

Thomas Dougherty

Cab business down

The number of tourists visiting Las Vegas continues to increase, but the taxicab industry is not reaping the benefits, according to an audit report.

The Taxicab Authority Board of Commissioners received an annual report on the Las Vegas cab industry Tuesday compiled by the staff of Authority Administrator Manuel Cortez who said the cab business basically is down.

The industry peaked in '73 with a total number of

cab trips per month per cab of 1,597, but since that time the number of trips each month has been on the decline with 1976 expected to be near an all time low.

"We don't expect the average monthly trip rate per cab to exceed 1,450 this year," said authority auditor Art Thom.

Several speculated reasons were offered by authority board members and staff for the decline, but the trend still appeared a mystery.

"I know several years ago the city buses were going around town only half full, but if you look around now, they're crowded," said Commissioner B.J. Handlon.

Dr. James Jones said he felt increased wages and benefits have stifled the incentive of cab drivers to hustle for customers, and that increased cab fares of which drivers receive a percentage also contribute to increased

Commission Chairman driver income.

Holdups suspect arrested here

A 22-year-old North Las Vegas man has been arrested in connection with several recent Las Vegas robberies, Las Vegas Metropolitan Police reported.

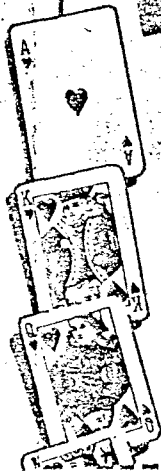
In Clark County Jail is Frank Ernest Lewis of 2521 Martin Ave. who has been charged with attempted murder, robbery and use of a deadly weapon in the commission of a crime.

Detectives said several additional charges of robbery and

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EXHIBIT B

Armed trio holds up Vegas cabbie

Three armed bandits robbed a Yellow Cab Co. driver of \$35 and took his cab about 11:30 p.m. Tuesday, Las Vegas Metropolitan Police reported.

Detectives said the unidentified driver picked up a lone fare at the Tropicana Hotel who asked to be driven to the area of Toni and Lulu avenues.

There the man got out but as he did so two other men approached the cab driver, pulled a gun and ordered him from the cab. His money then was taken and the three men, including the fare, got into the cab and drove off.

Police also reported a lone bandit robbed the Castaways Gift Shop in the Strip hotel of more than \$100 about 9:30 p.m. Tuesday.

The man entered the shop, picked up a can of soft drink and then approached clerk Patti Rambicure. When she opened the cash register he pushed her back and threatened to kill her with the soft drink can in his hand if she tried to prevent him from taking the

money from the cash register.

The bandit then fled the shop and was met outside by another man who apparently had been watching for passerbys.

Police also reported an attempt was made to kidnap a 9-year-old boy off the street at Vegas Valley Drive and Lawndale Street about 7 p.m. Tuesday.

The boy told officers he was walking home from a friend's home when a man grabbed him and attempted to pull him into a van. The boy fought and screamed before breaking away from the man who continued to try to catch him but the boy managed to safely get to his nearby home. Authorities speculated the kidnap attempt may have been for child molest purposes.

A Las Vegan, Lawrence M. Paluzzi, 25, of 4610 Monterrey Ave., was the victim of a \$1,700 theft Tuesday when his home was entered and a television set, jewelry and cash were taken, said police.

Suspected gas station thief jailed

NORTH LAS VEGAS—A 26-year-old Las Vegas man was named Tuesday as the person responsible for the theft last Friday of \$1,512 in cash and tools from the Go-Lo Gas Station at 1936 Las Vegas Blvd. North, police reported.

Booked into North Las Vegas Jail on embezzlement and grand larceny charges was Gerald Volz Jr. of 3600 E. Stewart Ave.

Officers said Rodney Burgess Jr., 26, the gas station owner, discovered Monday that Volz, a gas station employe, had not deposited \$512 into a bank account from July 30 station receipts so Burgess attempted to locate Volz.

Burgess discovered late Monday evening the suspect had leased space at the Economy Self Serve gas station at 4001 Sahara Ave.

proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

(Added to NRS by 1967, 810)

233B.130 Judicial review of final decisions in contested cases.

1. Any party aggrieved by a final decision in a contested case is entitled to judicial review thereof under this chapter. This section does not limit utilization of trial de novo review where provided by statute, but this section provides an alternative means of review in those cases. Any preliminary, procedural or intermediate agency act or ruling is immediately reviewable in any case in which review of the final agency decision would not provide an adequate remedy.

2. Proceedings for review shall be instituted by filing a petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides, or in and for the county where the act on which the proceeding is based occurred, within 30 days after the service of the final decision of the agency or, if a rehearing is held, within 30 days after the decision thereon. Copies of the petition shall be served upon the agency and all other parties of record.

(Added to NRS by 1965, 966; A 1969, 318; 1975, 495)

233B.140 Stay of agency decisions; record of proceedings; taking of additional evidence; limitations on judicial review; grounds for reversal, modification.

1. The filing of the petition does not itself stay enforcement of the agency decision. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

2. Within 30 days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under view. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

3. If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.

4. The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the agency, not shown in the record, proof thereon may be

General Order #1, Rule 12

Rule 12.1 Appeals

An appeal from the decision of the Administrator or Hearing Officer, to the Authority Board is permitted providing that the Notice of Appeal by the appellant shall be filed with the Administrator within 30 days of the decision of the Administrator or Hearing Officer. The Authority will act upon such an appeal by either granting or denying it within 15 days from the date of filing. If no action is taken by the Authority within 15 days, it shall be deemed to be denied.

Rule 12.2 Contents of Appeal

Petitions for appeal shall set forth specifically the ground or grounds upon which the appellant considers the order, decision, rule, direction, or regulation to be unreasonable, unlawful, erroneous, or not in conformity with the law. The appellant shall include in the appeal a copy of the transcript from the contested hearing.

Rule 12.3 Record on Appeal

In all cases where an appeal is taken, it shall be the responsibility of the Authority to provide the services of a court reporter to preserve the record. Copies of the Notice of Appeal shall be served upon the Administrator and all of the parties of record.

Rule 12.4 Appeals from the Authority Board

Any person aggrieved by the final decision of the Authority Board is entitled to a judicial review thereof under the provisions of NRS 233B.130.

Rule 12.5 Stays

The filing of an appeal does not stay enforcement of the decision appealed from. The Administrator may grant, or the reviewing authority may order a stay upon appropriate terms.

TRANSPORTATION
LEGISLATION ACTION

DATE 3-31
SUBJECT AB-295

MOTION:

Do Pass Amend Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Demers Seconded By Mr. May

AMENDMENT: "Saving" Clause

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved BY _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
HAYES	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
DEMERS	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
GLOVER	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
HARMON	_____	_____	_____	_____	_____	_____
MAY	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
JACOBSEN	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
WESTALL	_____	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes _____