

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director B&I

ANDREW J. MACKAY
Chairman

GEORGE ASSAD
Commissioner

KEITH SAKELHIDE
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE July 23, 2015 WORKSHOP

**Legislative Building, Room 3137
401 S. Carson St.
Carson City, Nevada 89701**

By videoconference:

**Grant Sawyer State Office Building, Room 4412
555 E. Washington Ave.
Las Vegas, Nevada 89101**

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at 9:00 a.m.

2. Roll Call

Present in Carson City: Chairman Andrew J. MacKay, Commissioner George Assad, Commissioner Keith A. Sakelhide. Present in Las Vegas: Administrative Attorney James Day, Applications Manager Liz Babcock, Senior Deputy Attorney General Kimberly Arguello

3. Pledge of Allegiance

Chairman Andrew MacKay led a recital of the Pledge.

4. Public Comment

None

5. Approval of Agenda

Approved 3-0

DISCUSSION ITEM / RULEMAKING WORKSHOP

- 6.** The Nevada Transportation Authority is considering proposing the adoption of regulations to a new chapter of the Nevada Administrative Code for purposes of implementing Assembly Bill No. 175 and Assembly Bill No. 176 of the 78th (2015) Nevada Legislative Session. This discussion item is for purposes of conducting an information-gathering workshop. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

- 1) Adopting, amending and/or repealing regulations related to the implementation of Assembly Bill No. 175 and Assembly Bill No. 176 of the 78th (2015) Nevada Legislative Session, establishing new statutory authority for permitting and regulation of Transportation Network Companies and their drivers; and
- 2) Other appropriate matters related thereto.

The proposal has been designated as Docket 15-06024 by the Authority and as File No. R029-15 by the Nevada Legislative Counsel Bureau.

Chairman MacKay briefly summarized the previous workshop and the procedures that would be followed today.

Commissioner Sakelhide stated August 3, 2015, would be the deadline for written comments and proposals before submission to the Legislative Counsel Bureau. Discussion will begin where we left off with Section 67, when finished, the discussion will revisit the beginning sections. Administrative Attorney Day summarized the written comments received and Commissioner Sakelhide stated anyone that had submitted comments would be welcome to verbally comment on them today.

Sec. 67, 68 Inspection and Maintenance

Timothy Burr and Kelly Kay, Lyft, offered the suggestion that the vehicle inspections be managed by the TNC's. Steve Siger, Uber questioned vehicle inspections in the field by an Enforcement officer.

Sec. 69 – 149 Practice before the Nevada Transportation Authority

Michael Hillerby, Lyft, John Griffin, Esquire, Griffin Company on behalf of Uber, both commented on the application of Nevada Rules of Civil Procedure.

General discussion:

Kelly Kay, Lyft, offered a general statement in support of the written comments previously submitted. Timothy Burr, Lyft addressed the language in Sec 39 of AB 176 with regard to zero tolerance investigations. Kelly Kay and Timothy Burr detailed the procedures used for passenger complaint investigations. Steve Thompson, Uber detailed a similar procedure. Tony Clark, NBLA, commented on the TNC drug testing policies. Commissioner Sakelhide referred back to Section 39. John Griffin, Esquire, Griffin Company commented on drug testing and background checks.

Josh Griffin, Uber, and Steve Siger, Uber, both discussed the drug testing requirement. Tony Clark, 24/7 and Lou Castro, NBLA suggested a level playing field for current carriers and TNC's with regard to drug testing and proposed the TNC utilize a driver check in via Skype or some other type of visual application. Stanley Washington, World Ride Hailing Association, (WRA), gave a brief statement. Steve Bromberg, taxi driver, stated the current carrier requirements for medical/drug testing for drivers are not over burdensome. Ron Steinberg, REDD Technologies, stated they support pre-employment and post-event drug testing. Tony Clark, NBLA, discussed signage and proposed a magnet light to indicate in service, discussed limitation of vehicles operating as it is a safety issue and the tiered insurance schedule. Gary Poley, Sunshine Taxi, gave a statement regarding the lack of a level playing field between carriers and TNC's and briefly discussed the current enforcement deficiencies. Chairman MacKay asked any proposed regulatory changes be submitted in writing. Lou Castro, NBLA, discussed hours of operation, enforcement of street hailing and surge pricing. Eyv Childress

questioned if TNC regulations would include provisions for providers for special needs/disabled individuals. John Griffin, Esquire, Uber, stated they did not oppose pricing flexibility for all carriers. Kimberly Maxson-Rushton, Esquire, LOA, suggested the Authority wait until the legislative history was available to make any final submission. She also made several recommendations for language changes and the addition of language for intervenors. John Griffin, Esquire, Griffin Company, Uber stated Nevada properties are being contacted to determine optimal pickup and drop off areas. Kelly Kay, Timothy Burr and Michael Hillerby, Lyft made several references to the changes they itemized in their written comments. Bruce Breslow, Director of Business and Industry, made a statement detailing the procedural history of the TNC process within the legislature and stated that we are dealing with a completely new industry and that the Authority should endeavor to promulgate a completely new set of regulations. Jonathan Schwartz, Yellow Cab, offered the suggestion for separate staging areas and that he is in favor of the intervenor process. Stanley Washington, WRA, expressed concern with a possible intervenor process and again offered the services of the Association. Tony Clark, NBLA, made several recommendations for language changes, fee requirements and tariff rates. A.R. Fairman asked about business licensing, without comment from the Commissioners. Steve Bromberg, made a statement in support of TNC's and the proposed regulations. Eyv Childress, made a statement in regard to staging.

Commissioner Sakelhide restated the deadline for written comments would be August 3, 2015.

Josh Canales, prospective driver for Lyft and Angie Palmer, Lyft mentor and driver made statements in support of the TNC legislation. Kimberly Maxson-Rushton, Esquire, LOA stated the Authority had the ability and obligation to promulgate regulation to protect the traveling public.

7. Public Comment

None

8. Adjournment

Meeting adjourned at 12:00 p.m.

To access a complete video of the proceedings, please go to:

LCB Publishing Point for 7-23-15 Workshop

http://nvleg.granicus.com/MediaPlayer.php?publish_id=17a1361f-3190-11e5-b65c-f04da2064c47