



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

**MINUTES OF THE NOVEMBER 18, 2021 WORKSHOP TO
SOLICIT COMMENTS ON PROPOSED REGULATIONS**

WEBEX LINK: <https://businessnv2.webex.com>

DIAL IN NUMBER: 1-844-621-3956

THURSDAY, NOVEMBER 18, 2021 MEETING ACCESS CODE: 2485 865 4951

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The purpose of this workshop is to determine impact of the proposed regulations on small businesses and to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations. This proposal has been designated as Docket Number 21-10016 by the Authority:

- 1) Revise NAC 706A.290 to state:
 1. Each transportation network company shall notify the Authority of the base rates currently in use by the company, and file with the Authority any new base rates prior to their utilization.
 2. During an emergency, as defined in NRS 414.0345, a transportation network company shall not charge a fare in excess of the base rate on file with the Authority on the date of the emergency.
 3. *The prohibitions outlined in section 2 are only in effect for the first seven calendar days after the declaration of emergency as defined in NRS 414.0345. After the seventh day, the change in the base rate is limited to 1.5 times that rate for the duration of the declaration of emergency as defined in NRS 414.0345.*
 4. *If an increased fare is charged following the first seven calendar days after the declaration of the emergency, all additional revenue generated by such*

increased fare, in excess of the base rate, must be used to fund incentives or other payments to drivers who provide transportation services arranged through the transportation network company's digital network or software application. This section will remain in effect until the state of emergency is terminated.

[New language in bold italics]

Public comment - none

Piper Overstreet, Uber/Raiser, hoped the Authority would consider the proposed language they submitted via email as they feel it more directly reflects the intent of the surge pricing.

Tracy Lee, Director of Public Policy, Lyft, referenced the alternative Lyft submitted by letter and detailed the proposal.

Alex Larro, Regulatory Counsel, clarified the language submitted by Uber to the Governor.

A brief discussion ensued regarding the emergency order signed by the Governor.

The discussion included proposals by Uber and Lyft to address supply and demand. Commissioner Assad asked several questions to clarify the industry justification for surge price regulation and stated that Uber and Lyft are asking to increase the surge price of a ride to 3 times the base rate of the ride during an emergency; that their proposal would completely eviscerate NAC 706.290 which was passed and intended to protect the traveling public from price gouging during an emergency so declared by the Governor. Also, that a ride from Summerlin to the airport that normally costs \$50 would be increased to \$150 and that amounts to price fixing and gouging the public and would potentially violate the Sherman Anti-Trust Act. He stated it would not be a smart or popular thing to approve during an election year and that these proposed regulations are a solution to a problem that does not exist and that he was not in support.

Commissioner Groover offered a statement that the regulations would create unfair competition with the other regulated carriers that are unable to deviate from their approved tariffs and suggested that the industry meet to find a more equitable solution. Any change would have to include all carriers under Chapter 706 and not create an unfair advantage.

Public comment – none

Workshop adjourned at 10:40 a.m.