

STATE OF NEVADA



DAWN GIBBONS
Chair

GEORGE ASSAD
Commissioner

R. DAVID GROOVER
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE December 1, 2022 GENERAL SESSION

AGENDA

1. Call to Order

Commissioner Assad called the meeting to order at 9:30 a.m.

2. Roll Call

Commissioner George Assad, Commissioner R. David Groover, Deputy Commissioner Jennifer De Rose, Administrative Attorney Patricia Erickson, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Paul Servello, Deputy Attorney General Radhika Kunnel

3. Pledge of Allegiance

Financial Analyst Paul Servello led a recital of the pledge.

4. Public Comment

none

5. Approval of Agenda

Applications Manager Liz Babcock requested Items 10, 15, 16, 44, 52, 54 and 55 be removed from consideration. Approved as modified 2-0

6. Approval of the Minutes of the October 27, 2022 Agenda Meeting

Approved 2-0

7. Briefings from the Commissioners

Commissioner Assad thanked staff for the preparation of the Agenda and welcomed Lisa Stewart and Doreatha Ross to the Agency. Commissioner Groover echoed those comments.

8. Briefing from the Deputy Commissioner

Deputy Commissioner De Rose welcomed new staff to the Authority.

9. Report of Legal Counsel

Deputy Attorney General Kunnel reported no changes in the current outstanding cases.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10 through 19, with the exception of Items 10, 15, 16 and 18 were considered collectively. Approved 2-0

- 10. Citations 23992, 23993, 23994, 23995 and 23976** issued to Kaptyn Nevada LLC d/b/a Presidential Limousine for the violations of NAC 706.2473 ref CFR 391.21 (168 counts); NAC 706.2473 ref CFR 391.23 (13 Counts); NAC 706.311 (9 counts); NAC 706.2473 ref CFR 382.301; and NAC 706.218 (DG)
Item removed from Agenda prior to consideration.
- 11. Citations 23109, 23113, 23114, 23066, 23133, 23134, 23266, 20874, 23139 and 23130** issued to Yellow Cab for the violations of: NAC 706.3761.5 (465 counts); NAC 706.360 (54 counts); NAC 706.2473 re CFR 382.305(i)(3)(26 counts); NAC 706.2473 ref CFR 382.305(d)(1); NAC 706.2473 re CFR 382.305 (g) & (h); NRS 706.398; NAC 706.2473 ref CFR 391.11; NAC 706.2473 ref 49 CFR 395.5(b)(2)(4 counts); NAC 706.3747.1 (7 counts) and NAC 706.3747.6 (2 counts) (GA)
- 12. Citations 21435, 21436, 21445 and 21446** issued to ~~Dennis~~ *Donald* Wilson for the violations of NAC 706.360; NAC 706.361; NAC 706.329; NAC 706.194 (2 counts); NAC 706.1378; NAC 706.3747 (38 counts) and NAC 706.376.12 (GA)
- 13. Citations 21437, 21438, 21439, 23126 and 23129** issued to Tom Martinez for the violations of: NAC 706.360; NAC 706.329; NAC 706.376.12; NAC 706.194; NAC 706.1378; NAC 706.3747.21 (199 counts); NAC 706.376.11 (2 counts); and NAC 706.2473 ref CFR 383.3 & CFR 390.5 (5 counts) (GA)
- 14. Citation 22067** issued to Ricardo Hernandez-Toledo for violations of NRS 706.386 and NRS 706.758 (GA)
- 15. Citation 23920** issued to Western Trails Charters & Tours LLC d/b/a St. George Express, Salt Lake Express for the violation of NRS 706.398 (GA)
Item removed from Agenda prior to consideration.
- 16. Citations 23151, 22331, 22939, 23857 and 23858** issued to Western Trails Charters & Tours LLC d/b/a St. George Express, Salt Lake Express for the violations of NAC 706.360 (4 counts), NAC 706.379; NAC 706.381; NAC 706.203; NAC 706.311 (14 counts); and NAC 706.354 (14 counts); and NRS 706.285 (17 counts) (GA)
Item removed from Agenda prior to consideration.
- 17. Impound I-4276** The impoundment pursuant to NRS 706.476 of a vehicle registered to Jason A. Stone (GA)
- 18. Citations 23238, 23910, 22900, 21456 and 21457** issued to Elko Inc. d/b/a Coach USA for violations of NAC 706.381 (43 counts); NAC 706.462 (96 counts); NAC 706.2473 ref CFR 396.17; NRS 706.251; NAC 706.381(4 counts); NAC 706.194 and NRS 706.398(1)(b) (RDG)
Justin Townsend, Esq. requested clarification of the record on the Order. A brief discussion ensued. Approved as drafted 2-0
- 19. Impound I-4489** issued to Pamela Misner for the violation of NRS 706.476(2)(b)(2) and NRS 706.2(b)(3) (RDG)

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

- 20. Docket 22-06014** The Application of At Your Service Towing, LLC for a certificate of public convenience and necessity to provide consent-only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (RDG)
Applications Manager Liz Babcock summarized the application and indicated staff support. Commissioner Groover recommended approval. Approved 2-0
- 21. Docket 22-07002** The Application of ASAP Towing, LLC for a certificate of public convenience and necessity to provide consent-only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (RDG)
Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0
- 22. Docket 22-08016** The Application of I 15 Towing, LLC for a certificate of public convenience and necessity to provide consent-only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (DG)
Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0
- 23. Docket 22-08021** The Application of DCH Towing, LLC for a certificate of public convenience and necessity to provide consent-only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (RDG)
Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0
- 24. Docket 22-08024** The Application of Snyder Enterprises, LLC d/b/a Exotic Towing for a certificate of public convenience and necessity to provide consent-only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (GA)
Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

- 25. Docket 22-05018** The Application of Las Vegas Raiders Huddle Shuttle, LLC d/b/a Las Vegas Raiders Huddle Shuttle, Las Vegas Huddle Shuttle for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. Tabled from prior general session. (DG)
Applications Manager Liz Babcock summarized the application, detailed the changes they have submitted and indicated staff support. Approved 2-0

- 26. Docket 22-05020** The Application of Front Row Limousine, LLC d/b/a Front Row Party Bus for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (RDG)
James Kent, Esq appeared on behalf of the applicant. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0
- 27. Docket 22-06015** The Application of Laneer, LLC d/b/a Laneer Transportation, LTS for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (RDG)
James Kent, Esq appeared on behalf of the applicant. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0
- 28. Docket 22-06017** The Application of Empire Transportation, LLC d/b/a Empire Transportation, Empire, Empire LV for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (RDG)
James Kent, Esq appeared on behalf of the applicant. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0
- 29. Docket 22-08002** The Application of A Red Sea Transportation, LLC for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (RDG)
Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 2-0

VOLUNTARY CANCELLATIONS

- 30. Docket 22-05031** The voluntary cancellation of household goods moving services of Ella Baby, Inc. d/b/a College Hunks Hauling Junk and Moving, CPCN 3387. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request and indicated staff support. Approved 2-0
- 31. Docket 22-09015** The voluntary cancellation of consent-only tow car services of Omega Auto Repair, Inc. d/b/a E.R.J. Towing, CPCN 7373. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request and indicated staff support. Approved 2-0

MOTION TO EXTEND COMPLIANCE PERIOD

- 32. Docket 20-09005** The motion to extend the compliance period to *April 20, January 15, 2023*, for the application of Night Time Entertainment, LLC d/b/a NTE. Staff investigation concluded.
James Kent, Esq appeared on behalf of the applicant and detailed the vehicle purchase procedure. Applications Manager Liz Babcock summarized the request and indicated staff support. Approved 2-0
- 33. Docket 21-08017** The motion to extend the compliance period to March 2, 2023, for the application of BLVD Moving of Nevada, LLC. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support.
Approved 2-0

- 34. Docket 21-09016** The motion to extend the compliance period to *April 20, January 6, 2023*, for the application of Silver Star Towing, LLC d/b/a Silver Star Towing. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support.
Approved 2-0

- 35. Docket 21-11017** The motion to extend the compliance period to *April 20, March 31, 2023*, for the application of Sunshine Transportation, LLC d/b/a SunTrans. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support.
Approved 2-0

- 36. Docket 21-11029** The motion to extend the compliance period to *April 20, March 2, 2023*, for the application of Hart, LLC. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support.
Approved 2-0

REQUEST FOR TEMPORARY DISCONTINUANCE

- 37. Docket 22-10001** The temporary discontinuance from September 30, 2022, through March 30, 2023 of service provided by Recovery Towing, LLC under CPCN 7519. This requires retroactive approval. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support.
Approved 2-0

- 38. Docket 22-10017** The temporary discontinuance from October 17, 2022, through May 1, 2023 of service provided by Aladdin Limousine Services, Inc. d/b/a Tahoe Tours under CPCN 2185. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support.
Approved 2-0

- 39. Docket 22-10019** The temporary discontinuance from October 21, 2022, through *March 16, 2023 December 30, 2022* of service provided by Grecia Chavez Farias d/b/a Road Runner Towing Service under CPCN 7412. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support.
Approved 2-0

EXPIRED TEMPORARY DISCONTINUANCE

- 40. Docket 20-03023** The expired temporary discontinuance from March 24, 2022 through September 24, 2022, of services provided by In-Cahoots Events, LLC d/b/a Lil Pink Party Bus, under CPCN 2161 and Staff's recommendation to issue an Order To Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff's request for an Order to Show Cause. Order to Show Cause approved 2-0

PETITIONS FOR RECONSIDERATION

- 41. Docket 22-10006** Petition for Reconsideration – removal from the ineligible driver list, Abraham Gebre

Abraham Gebre appeared and detailed his request. Petition Granted 2-0

- 42. Docket 22-10011** Petition for Reconsideration of Driver Permit #13270 for David Valenzuela

David Valenzuela appeared and detailed his request. Petition Granted 2-0

- 43. Docket 22-10020** Petition for Reconsideration of Driver Permit #11719 for Blake C. Franzman

Blake Franzman appeared and detailed his request. Petition Granted 2-0

FINANCIAL RATES AND TARIFFS

- 44. Docket 22-09025** The Application of Reno Medical Transport, LLC d/b/a GMT CARE for approval of a tariff rate modification for services conducted under CPCN 1143. Staff investigation concluded. Tabled from prior general session.

Item removed from Agenda prior to consideration.

- 45. Docket 22-10018** The Application of High Altitude Services, LLC d/b/a Reno Tahoe Movers for approval of a tariff rate modification for services conducted under CPCN 3372. Staff investigation concluded.

Financial Analyst Paul Servello detailed the request and indicated staff support. Approved 2-0

- 46. Docket 22-10023** The Application of Move 4 Less, LLC d/b/a Move 4 Less, MoverU4Less.com, Select Flat Rate Moving for approval of a tariff rate modification for services conducted under CPCN 3344, Sub 7. Staff investigation concluded.

Financial Analyst Paul Servello detailed the request and indicated staff support. Approved 2-0

- 47. Docket 22-10004** The Application of Las Vegas Limousines, LLC d/b/a VIP Limousines of Nevada for final approval of a tariff rate modification for services conducted under CPCN 1103, Sub 1. Staff investigation concluded.

Financial Analyst Paul Servello detailed the request and indicated staff support. Approved 2-0

- 48. Docket 22-11006** The Application of Lucky Limousine, LLC for approval of a tariff rate modification for services conducted under CPCN 1057, Sub 4. Staff investigation concluded.

Financial Analyst Paul Servello detailed the request and indicated staff support. Approved 2-0

- 49. Docket 22-11015** The Application of Wolf Pack Moving, LLC for approval of a tariff rate modification for services conducted under CPCN 3383. Staff investigation concluded.

Financial Analyst Paul Servello detailed the request and indicated staff support. Approved 2-0

- 50. Public Comment**

None

1:15 PM AFTERNOON SESSION

51. Public Comment

none

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 52. Docket 21-10020** The Application of WMT Enterprises, LLC d/b/a WMT Medical Transportation for a permit to operate as a contract motor carrier within the State of Nevada. Staff investigation concluded. (RDG)

Item removed from Agenda prior to consideration.

ORDERS TO SHOW CAUSE

- 53. Docket 22-01021** Order to Show Cause issued to Arrowhead Services, LLC as to why Certificate of Public Convenience and Necessity 7352 should not be revoked. Tabled from prior general session

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff recommends revocation of their CPCN. CPCN Revoked 2-0

- 54. Docket 22-02025** Order to Show Cause issued to Nevada Relocation Services, LLC as to why Certificate of Public Convenience and Necessity 3367 should not be revoked. Tabled from prior general sessions

Item removed from Agenda prior to consideration. Carrier resumed operations.

- 55. Docket 22-09011** Order to Show Cause issued to American Transport, LLC d/b/a Royal Towing as to why Certificate of Public Convenience and Necessity 7424 should not be revoked. Tabled from prior general sessions

Item removed from Agenda prior to consideration.

APPLICATIONS TO DISMISS

- 56. Docket 18-10024** The Application of Chiva Rumbera, LLC for a certificate of public convenience and necessity for scenic tour authority within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (GA)

Josi Tarazona and Vivienne (interpreter) appeared and requested an extension until April 2023. Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's difficulty with communication with the applicant. Motion to Dismiss Granted 2-0

- 57. Docket 20-08016** The Application of Sky Canyon Towing Cop. for a certificate of public convenience and necessity for consent-only tow car authority within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (GA)

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request to dismiss the application. Motion to Dismiss Granted 2-0

- 58. Docket 21-02011** The Application of E.A.C. Towing, LLC for a certificate of public convenience and necessity for consent-only tow car authority within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (DG)

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request to dismiss the application. Motion to Dismiss Granted 2-0

- 59. Docket 21-02017** The Application of A1A Towing Service, LLC for a certificate of public convenience and necessity for consent-only tow car authority within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (DG)

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request to dismiss the application. Lawrence Koziarski appeared and requested an additional 60 days to complete the final compliance. Motion to Dismiss Denied and additional 90 days for compliance granted 2-0

- 60. Docket 21-03007** The Application of ARCU2, LLC for a certificate of public convenience and necessity for consent-only tow car authority within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (GA)

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request to dismiss the application. Motion to Dismiss Granted 2-0

- 61. Docket 21-05024** The Application of Freddy's Towing, LLC for a certificate of public convenience and necessity for consent-only tow car authority within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (DG)

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request to dismiss the application. Motion to Dismiss Granted 2-0

- 62. Docket 21-10019** The Application of Tic Tac Tow Las Vegas, LLC for a certificate of public convenience and necessity for consent-only tow car authority within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (DG)

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request to dismiss the application. Motion to Dismiss Granted 2-0

- 63. Docket 21-11003** The Application of J & T Towing, LLC for a certificate of public convenience and necessity for consent-only tow car authority within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (DG)

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request to dismiss the application. Motion to Dismiss Granted 2-0

- 64. Docket 21-12009** The Application of TTHD, LLC d/b/a City Lights Towing for a certificate of public convenience and necessity for consent-only tow car authority within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (DG)

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request to dismiss the application. Motion to Dismiss Granted 2-0

DISCUSSION ITEMS

- 65. Docket 22-09016** Discussion regarding Reno Tahoe Movers request for a fuel surcharge for household goods movers and whether or not there is sufficient interest to open a workshop for the purpose of developing said surcharge. Tabled from prior general session.

Luke O'Brien, O'Brien's Moving and Storage stated he was in favor of a fuel surcharge. Kenny Bissett, Carney Movers, stated his agreement and interest in holding a workshop. Russ Riggs, RA Two Men and a Truck, agreed and requested a Workshop be held. Crista Harris, O'Brien's moving and Storage, offered a statement in agreement. Applications Manager Liz Babcock

indicated staff was in agreement with a fuel surcharge. A brief discussion ensued, the commissioners were in agreement with holding a workshop.

- 66. Docket 22-09035** Discussion regarding Non-Emergency Medical Transportation (“NEMT”) providers, Common Carriers Vs. Contract Carriers, and Staff’s proposal for modifications. Tabled from prior general session.

*Applications Manager Liz Babcock requested paragraph 3 be **deleted/removed** and detailed the information regarding NEMT’s. Commissioner Assad suggested the Legislature clarify the parameters for the Authority at the next session. Kimberly Maxson-Rushton, Esq. offered a statement regarding some of the historical issues the Authority has faced regarding NEMT’s and offered several suggestions the Authority might take regarding possible legislation. James Kent, Esq. offered a statement in agreement with staff, questioned the current intervenor process and made several suggestions to streamline the application process. Brent Carson, Esq. offered the statement the NEMT’s should be held to a higher standard as they transport public that is sick or injured and agreed with Commissioner Assad that the legislature should clarify for the Authority. Steve LaTulippe, Carevans, indicated the suggestions made to streamline the process are good ones.*

- 67. Docket 22-11017** Discussion regarding continued use of the OMADI system by Ashley’s Towing, Inc. CPCN 7220, Edgar Perez, LLC d/b/a Eddy’s Towing, CPCN 7392, Victor Towing, LLC, CPCN 7398, XYZ Towing, Inc. d/b/a Titan Towing, CPCN 7257 and 1st Response Towing, Inc. d/b/a The Tow Truck Company, CPCN 7136, and the requirement for wet signatures until questions regarding the OMADI system are answered.

Shawn Davis, Ashley’s Towing, Robert Segura, Titan Towing, Derrick Sykes, 1st Response Towing and Mike Meyer, Omadi. Mike Meyer offered a statement detailing the process Omadi uses for electronic signatures. Shawn Davis, Ashley’s Towing, gave a statement regarding the history of Ashley’s use of the Omadi software, indicated they have opted out of any updates and offered several points in favor of the use of the system. A discussion ensued with regard to the use of an exception report. Commissioner Groover stated the opinion these operators should be required to revert back to wet signatures until the system can be vetted. Mike Meyer, Omadi, stated the opinion the system could be tested within the next 30 days. Commissioner Assad felt it would be an over-burden to require the carriers to revert back to wet signatures. Robert Segura stated Omadi has become more robust as the software has improved. Several homeowner association managers gave positive statements regarding the use of the system. No action taken.

APPLICATIONS FOR DRIVER PERMITS

(Closed sessions may be held for items 68 and 69 to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)

- 68. Permit 12562** The Authority will determine whether to grant the application of Scott Glen Collier for issuance of a driver’s permit pursuant to NRS 706.462. Staff investigation concluded.

Permit approved at June General Session. To be revisited in May 2023.

69. Permit 13301 The Authority will determine whether to grant the application of Jose Urena for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Permit denied 2-0

70. Public Comment

none

71. Adjournment

Meeting adjourned at 3:18 p.m.