



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

**NOTICE OF WORKSHOP TO
SOLICIT COMMENTS ON PROPOSED CHANGES TO EXISTING
REGULATIONS AND POTENTIAL REMOVAL OF EXISTING
REGULATIONS**

Pursuant to Governor Lombardo's Executive Order no. 2023-003, the Nevada Transportation Authority ("Authority") is proposing to modify existing regulations and potentially remove other existing regulations from the Nevada Administrative Code chapter 706. A workshop has been set for **April 21, 2023 from 9:00 a.m. to 1:00 p.m.** The public may attend this workshop at:

The Department of Business and Industry
3300 West Sahara Ave., 4th Flr, Room 400
Las Vegas, Nevada 89102

Nevada Transportation Authority
1755 E. Plumb Lane, Suite 229
Reno, Nevada 89502

The first purpose of this workshop is to solicit comments from interested persons regarding potential changes to regulations including but not limited to the following:

NAC 706.0655; NAC 706.1385; NAC 706.149; NAC 706.250; NAC 706.397; NAC 706.3987; NAC 706.3971; NAC 706.3972; and, NAC 706.3992

The second purpose of this workshop is to solicit comments from interested persons regarding the removal of regulations including but not limited to the following:

NAC 706.010; NAC 706.161; NAC 706.138; NAC 706.1345; NAC 706.230; NAC 706.234; NAC 706.236; NAC 706.243; NAC 706.250; NAC 706.254; NAC 706.257; NAC 706.280; NAC 706.361; NAC 706.3672; NAC 706.374; NAC 706.376; NAC 706.3762; NAC 706.380; NAC 706.416; NAC 706.424; NAC 706.428; and, NAC 706.434

This workshop has been designated as Docket Number 23-03034 by the Authority.

The proposed language changes, to the above identified regulations, are attached to this Notice. A copy of the proposed language changes are also available for review at the offices of the Authority at the above noted addresses.

Additionally, a copy of all materials related to the proposed language changes may be obtained:

1. At the location and time of the workshop; or,
2. By contacting Patricia M. Erickson, Administrative Attorney, Nevada Transportation Authority, 3300 W. Sahara Ave., Suite #200, Las Vegas, Nevada 89102, (702) 486-8722, perickson@nta.nv.gov

Persons wishing to comment on the proposed action of the Authority may provide their comments, data, views or arguments, in written form to the Authority. Written submissions must be received by the Authority on or before **April 17, 2023**.

AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Public Comment** – Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on an agenda as an item for possible action.
5. **Approval of Agenda – *FOR POSSIBLE ACTION***

DISCUSSION ITEM/RULEMAKING WORKSHOP

6. Pursuant to Governor Lombardo's Executive Order no. 2023-003, the Authority is proposing to modify existing regulations and potentially remove other existing regulations from the Nevada Administrative Code chapter 706. Consequently, this is an information gathering workshop to learn: (1) the industry stakeholders' response to the proposed changed/modified language of the identified regulations; (2) the industry stakeholders' response to the potential removal of the identified regulations; (3) of any other language changes the industry stakeholders' believe would be worthy of consideration; and, (4) of any other regulations which the industry stakeholder's feel should be considered for removal.
7. **Public Comment** – Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on an agenda as an item for possible action.
8. **Adjournment**

In accordance with Nevada's Open Meeting Law, the Authority may consider agenda items taken out of order. The Authority may combine two or more agenda items for consideration. The Authority may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Authority may continue the meeting as deemed necessary.

The Authority, at its discretion, may take public comment during times other than the designated Public Comment agenda items. The Authority reserves the right to limit public comment to three minutes. Comment may not be restricted based on viewpoint.

This Notice of Workshop has been sent to all persons on the Authority's mailing list for administrative regulations and to all carriers licensed by the Authority.

This Notice of Workshop has been posted at the following locations:

Clark County Court House, 200 Lewis Avenue, Las Vegas, NV 89101
Washoe County Court House, 75 Court Street, Reno, NV 89501
Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701
Department of Business and Industry, 3300 W. Sahara Ave., Suite #425, Las Vegas, NV 89102
Department of Business and Industry, 1830 College Parkway, Suite #100, Carson City, NV 89706
Nevada Transportation Authority, 3300 W. Sahara, Suite #200, Las Vegas, NV 89102
Nevada Transportation Authority, 1755 East Plumb Lane, Suite #229, Reno, NV 89502
Nevada Transportation Authority website: www.nta.nv.gov
Nevada State Legislature Website: www.leg.state.nv.us

NOTE: The Authority is pleased to make reasonable accommodations and will assist and accommodate people with a disability who wish to attend its meetings and hearings. If special arrangements are necessary, please contact the Authority in Las Vegas at (702) 486-3303 or in Reno at (775) 688-2800 as far in advance of the hearing as possible.

Dated: March 30, 2023

NAC 706.0655 “Hearing” defined. (NRS 706.171)

“Hearing” means any public proceeding:

1. For which notice is provided by the Authority in accordance with applicable statutes and regulations; and
2. Which includes an opportunity for all parties to present any ~~relevant~~ written or oral testimony ~~or evidence the Authority determines is relevant and material to the issues underlying the proceeding.~~

NAC 706.1385 Form and format for tariffs and supplements. (NRS 706.171, 706.321)

1. Tariffs or supplements must be in loose-leaf form on good quality paper which is 8 1/2 by 11 inches, typed or reproduced by any clear, legible and durable process. If the tariff is also filed with the Surface Transportation Board and the Surface Transportation Board allows a size or format different from that specified by the Authority, that different size will be accepted by the Authority.

2. The format must be as follows:

(a) On each page, a 1-inch margin must be provided on the left-hand or binding edge and a 1/2-inch margin provided on the right-hand side. No printing or writing may appear in these margins.

(b) Each page must be ~~chronologically~~ numbered in the upper left-hand corner ~~beginning with “Original Title Page, Original Page 1, Original Page 2,” and so forth.~~

(c) Each page ~~(Form 24C*)~~, ~~except~~ including the title page and any subsequent revision pages, must have:

(1) In the upper right-hand corner, ~~the number of the Authority assigned to that tariff by the motor carrier, issuing agency or agent.~~ the carrier’s assigned Certificate of Public Convenience and Necessity number.

~~(2) In the center at the top, the name of the carrier, issuing agency or agent and the name of the business, if any. The name, description and number of the tariff must be placed below the names.~~

~~(3)~~ (2) In the lower left-hand corner, between the text on the page and the statement of the issuing officer, the word “Issued” and on the same line in the lower right-hand corner, the word “Effective.”

~~(4)~~ (3) On the bottom of the page, in the center, below “Issued” and “Effective,” the words “Issued by” followed by the name of the issuing officer, his or her address, city, state and zip code number.

~~—(d) The title page (Form 24A*) must have:~~

~~——(1) In the upper right hand corner, the number of the Authority assigned to that tariff by the motor carrier, issuing agency or agent.~~

~~——(2) In the center of the page, the name of the carrier, issuing agency or agent and the name of the business, if any. The name, description and number of the tariff must be placed below the names.~~

~~——(3) In the lower left hand corner, the word “Issued” and, immediately below, the word “Effective.” The lower right hand corner must be left blank for use by the Authority.~~

~~——(4) On the bottom of the page, in the center, on the same line as “Issued,” the words “Issued by,” followed by the name of the issuing officer, his or her address, city, state and zip code number.~~

~~—(e) Each new (Form 24D*) or revised page filed must have the date of issue by the name of the motor carrier inserted after the title “Issued.” The space after “Effective” may be left blank on strictly intrastate tariffs in the State of Nevada. Any desired effective date in such a case must be included in the applicant’s transmittal letter. An effective date must be inserted in the space after “Effective” in joint tariffs filed with the Authority and the Surface Transportation Board.~~

~~—(f) If a new or revised page is filed cancelling a page (Form 24B*), the new page must read:~~

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~~1st revised page..... (fill in page number)~~

~~—————cancels~~

~~Original page..... (fill in page number)~~

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~~A revised page only cancels one page and does not cancel any other page.~~

~~(g)~~ (d) Except as otherwise provided in NAC 706.3983, one original and two copies of rules, modified rules or rates, or both, must be filed with the Authority at least 30 days before becoming effective.

~~(h)~~ (e) Any changes on a page which has been filed must be clearly marked with one of the following codes:

- (1) -Increase.
- (2) -Reduction.
- (3) -Change resulting in neither an increase nor a reduction.
- (4) Any other pertinent symbol or abbreviation.

Ê A separate page may be used for these codes (~~Form 24C*~~) or, when symbols are used, a note explaining them may be placed at the bottom of the page or within the block containing the affected item.

~~(i) Each new or revised page must have a correction number assigned to it beginning with Correction No. 1 and continuing numerically as new or revised pages are entered in that tariff filing, inserted below the bottom line in the left hand corner of the page (Form 24E*). Each tariff filed must have a checking sheet for correction numbers (Form 24C*) on page 1 and must be referred to as that tariff filing is revised. One correction number must be assigned to each new or revised page, and no correction number may be used for more than one page.~~

~~—(j) If any tariff is reissued that completely cancels a current tariff (Form 24E*), the reissued tariff must bear the same tariff number as the current tariff, suffixed by a letter, for example, Tariff No. 1-A, and continuing through the alphabet as that tariff is reissued. The reissued tariff will be assigned a new number that does not duplicate any other number on any other tariff held by that motor carrier, issuing agency or agent and must be displayed on the reissued tariff as follows:~~

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~~T.S.A. No. 2~~

~~cancels~~

~~T.S.A. or P.S.C.N. No. 1~~

~~-~~

~~Tariff No. 1-A~~

~~cancels~~

~~Tariff No. 1~~

~~-~~

3. The provisions of this section, except paragraphs (d) and (e) of subsection 2, do not apply to the National Motor Freight Classification or the ATA Hazardous Materials Tariff.

NAC 706.149 Equity capital: Minimum requirement; proof; failure to comply.

1. After receiving a certificate or permit, every fully regulated carrier shall maintain an investment of not less than 20 percent equity capital in his or her operations and include proof ~~of that the fully regulated carrier meets~~ this requirement in ~~each his or her~~ annual report filed with the Authority ~~after receipt of certificate or permit~~.
2. A fully regulated carrier who does not meet the requirement of subsection 1, ~~shall, within 3 months after receiving notice from the Authority of that failure, file a plan proposing the specific steps he or she will take to meet that requirement within the next 12 months for any two consecutive years,~~ shall be subject to citation for the violation.
- ~~3. Within 15 months after receiving notice from the Authority that he or she does not maintain adequate equity capital, a fully regulated carrier must have an investment of not less than 20 percent equity capital in his or her operations.~~
3. A fully regulated carrier who does not meet the requirement of subsection 1, for any three consecutive years, shall be subject to suspension or revocation by the Authority.
4. ~~The certificate or permit of a fully regulated carrier who does not comply with this section may be revoked by the Authority.~~ The 20 percent equity capital requirement shall be maintained during the existence of the certificate or permit authority. If, at any time, a carrier's annual report does not evidence the required equity capital, sections 2 and 3 will apply.

NAC 706.250 Agreement to manage business of authorized carrier.

1. An authorized carrier may, with the prior approval of the Authority, enter into an agreement with a person who is not his or her employee to manage his or her business. The agreement may be for a period of not more than 1 year. ~~The agreement but~~ may be renewed ~~on a yearly basis~~.
 - a. An agreement to manage a carrier's business must:
 - b. Be filed with the Authority;
 - c. Specify the compensation paid to the manager;
 - d. Specify the terms of the agreement;

- e. Specify the scope of the authority that the person will have to manage the business of the carrier;
 - f. Specify the beginning and ending dates the agreement will be in operation; and,
 - g. Specify any other information required by the Authority.
3. If the management agreement is going to be renewed, the Authority must be informed of the intention to renew the agreement thirty (30) days before the ending date stated in the original agreement.
 4. If the Authority is not informed the management agreement will be renewed, the original agreement will be vacated, by operation of law, thirty (30) days after the ending date stated in the original agreement.
 5. If the authorized carrier continues to operate, pursuant to a vacated management agreement, the Authority shall schedule an Order to Show Cause hearing regarding the potential suspension or revocation of the carrier's authority.
 6. If any changes will be made to the existing agreement, a new management agreement must be submitted to the Authority forty-five (45) days before the ending date, stated in the existing agreement, and must contain the information required by subsection 2 (b) through (e).
 - ~~3~~7. The compensation paid to the manager may include a limited bonus in the form of cash or stock, or both, to be paid upon the occurrence of a specified condition.
- 4 8. Any agreement which:
- (a) Includes a bonus to the manager of more than 10 percent of the carrier's stock; or
 - (b) Grants to the manager total control of the overall operations of the carrier,
- will be considered an attempted transfer of a certificate, permit or license and will not be approved.
- ~~5~~9. A background investigation of the manager selected by the carrier may be conducted by the Authority as part of its process in determining whether to grant approval.

NAC 706.397 Pleadings: Protests. (NRS 233B.050, 706.171)

1. Any objection or request to make a statement at a hearing by a person, including, without limitation, a state or local government entity, who is not a party to an application, petition or other matter must be styled a “protest” and such a person must be styled a “protestant.” The filing of a protest or request to make a statement does not make the protestant a party.

2. A written protest must legibly set forth a clear statement of the matter to which an objection is made.

3. The Authority will make available a copy of a written protest to the parties against whom it is directed.

4. Even if a hearing on a written protest is not required by law, the Authority will notify the parties and may hold such a hearing if the public interest will be served.

5. A protest at a hearing may be oral or written.

~~6.—At a hearing, the presiding officer shall allow any protestant to enter an appearance in the proceeding and may allow a protestant to make a statement. A protestant who desires to participate as a party in a proceeding must file a written petition for leave to intervene unless the presiding officer upon good cause shown allows an oral petition for leave to intervene. A protestant is entitled to participate as a party only to the extent that leave to intervene is granted, at which time the protestant must be styled an “intervener.”~~

NAC 706.3987 Hearings: Order of proceeding. (NRS 233B.050, 706.171)

1. Applicants, petitioners or complainants may present their evidence first at a hearing. Then any parties opposing the application, petition or complaint may present their evidence. The presiding officer shall designate the stage of the proceeding at which each intervener, protestant or member of the staff of the Authority may be heard. Evidence must be received in the following order unless the presiding officer determines that a special circumstance requires a different order:

- (a) Upon an application or petition:
 - (1) Applicant or petitioner;
 - (2) Interveners;
 - (3) Staff of the Authority; and
 - (4) Rebuttal by the applicant or petitioner.
- (b) Upon a complaint:
 - (1) Complainant;
 - (2) Respondent;
 - (3) Interveners;
 - (4) Staff of the Authority; and
 - (5) Rebuttal by complainant.

(c) Upon a complaint by the Authority or an order to show cause:

- (1) Staff of the Authority;
- (2) Respondent;
- (3) Interveners; and
- (4) Rebuttal by staff of the Authority.

2. A witness may be cross-examined on issues testified to by that witness by:

- (a) Opposing parties who have been granted leave to intervene pursuant to NAC 706.3968;
- (b) The Authority;
- (c) The Attorney General; and
- (d) The staff of the Authority.

~~3. If there is more than one applicant, petitioner or complainant, the witnesses of all applicants, petitioners or complainants may present direct testimony on an issue before any of these witnesses may be cross-examined on that issue, unless otherwise ordered by the presiding officer.~~

3. At a hearing, the presiding officer shall allow any protestant to enter an appearance and make a statement regarding the subject matter underlying the hearing.

4. If two or more matters are set for hearing at the same time and place, the matter having the lowest docket number will be heard first, unless the presiding officer directs a different order for the convenience of the parties.

NAC 706.3971 Pleadings: Service of process. (NRS 233B.050, 706.171)

1. All documents required to be served on a party by any other party may be served in person, ~~or~~ by mail or by electronic means.

2. If the service is by mail, the service is complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

3. If the service is by electronic means, the service is complete upon transmission as long as the serving party maintains proof the transmission occurred.

~~2.~~ 4. After the commencement of a proceeding, a copy of each pleading to be filed with the Authority must be served by the pleading party on every other party. If a party is represented by an authorized representative or an attorney, service must be made on that representative or attorney. Service must be made before or concurrently with the filing of the pleading with the Authority.

~~3.~~ 5. Upon the advance request of another party, a party serving a document shall telephone the requesting party when the document is ready to be served so that it may be accepted personally by the requesting party in lieu of service by mail.

NAC 706.3972 Pleadings: Proof of service. (NRS 233B.050, 706.171)

There must appear on all documents required to be served an acknowledgment of receipt of service or ~~the following certificate:~~

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~~— I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to) by mailing a copy thereof, properly addressed, with postage prepaid to
Dated at, this(day) of(month) of(year)~~

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proof of service in the form of a statement by the person who made service certifying:

- a. The date and manner of service;
- b. The names of the persons served; and,
- c. The mail or electronic addresses of the persons served.

This form must be signed by the person who completed the service of the document.

NAC 706.3992 Hearings: Documentary evidence. (NRS 233B.050, 706.171)

1. An exhibit must be limited in size to 8 1/2 by 11 inches ~~when folded~~, unless otherwise allowed by the presiding officer. A copy of each documentary exhibit must be furnished to each party, and copies of each exhibit must be furnished to the Authority in such number as requested by the staff of the Authority or the presiding officer. The Authority or presiding officer may not request more than ~~10~~ 5 copies of each documentary exhibit. ~~The party offering the exhibit must provide a~~ A copy ~~must be submitted~~ to the court reporter or transcriber. If relevant evidence is included in a written or printed statement, book or document of any kind containing other matter not relevant and not intended to be put in evidence, the statement, book or document containing that other matter may not be received or admitted in whole. Counsel or other parties offering the evidence or exhibit shall present, in convenient and proper form for filing, a copy of the relevant portions. ~~or, at the discretion of the presiding officer, read these portions into the record.~~ Any documentary evidence offered, whether in the form of an exhibit or introduced by reference, is subject to appropriate and timely objection.

2. If documents are numerous, such as freight bills or bills of lading, and a party desires to offer into evidence more than a limited number of these documents as typical of the others, an orderly abstract of relevant data contained in these documents ~~may~~ must be prepared and offered as an exhibit. Other parties ~~may~~ must be able to examine and compare both the abstract and the source document.

3. In a proceeding involving detailed accounting exhibits, the presiding officer shall require each party to file with him or her and to serve on each party a copy of these exhibits within a specified time before the hearing to enable the parties to study the exhibits and to prepare cross-examination with reference to them. An amendment to an exhibit may be made after the exhibit has been filed with the presiding officer if it does not prejudice the rights of any party or if it corrects a clerical or mathematical error.