

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Third Session
March 24, 2005**

The Committee on Transportation was called to order at 1:38 p.m., on Thursday, March 24, 2005. Chairman John Ocegüera presided in Room 3143 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4412 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. John Ocegüera, Chairman
Ms. Genie Ohrenschall, Vice Chairwoman
Mr. Kelvin Atkinson
Mr. John Carpenter
Mr. Chad Christensen
Mr. Jerry Claborn
Ms. Susan Gerhardt
Mr. Pete Goicoechea
Mr. Joseph Hogan
Mr. Mark Manendo
Mr. Rod Sherer

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Bob McCleary, Assembly District No. 11, Clark County
(part)
Assemblywoman Chris Giunchigliani, Assembly District No. 9, Clark
County (part)

STAFF MEMBERS PRESENT:

Marjorie Paslov Thomas, Committee Policy Analyst
Angela Flores, Committee Manager
Linda Ronnow, Committee Attaché

OTHERS PRESENT:

Kent Cooper, Assistant Director, Planning and Research, Nevada Department of Transportation
Jacob Snow, General Manager, Regional Transportation Commission, of Southern, Nevada
Dennis M. Baughman, Chief of the Communications Office, Director's Office, Nevada Department of Transportation

Assembly Bill 218: Directs Department of Transportation to conduct study of need and feasibility of constructing certain arterial road for Interstate Highway No. 95 in Las Vegas, Nevada. (BDR S-1174)

Chairman Ocegüera:

[Meeting called to order. Roll called]. On the agenda today we have Assembly Bill 218. This is Vice Chairwoman Ohrenschall's bill.

Assemblywoman Genie Ohrenschall, Assembly District No. 12, Clark County (part)

I am here today to provide some introductory remarks on A.B. 218 ([Exhibit B](#)). The Federal Highway Administration reports the congestion on our roadways results when traffic demand approaches or exceeds the available capacity of the roadway system. While this is a very simple concept, it is not constant. It varies tremendously depending on the time of day, the day of the week, and time of year, weather, work zones, and traffic accidents. All of these affect congestion on roadways.

Throughout the Las Vegas Valley, there is congestion on our roads and highways. I have noticed an increase in motor vehicle traffic in and around the Las Vegas Valley, particularly in the southeast portion, because it hasn't been dealt with. Construction, new developments, and new businesses contribute to this increase in traffic. At times, the congestion is downright frustrating for people living on the east side of town. It's a very common experience that it takes them from forty-five minutes to an hour to get from one part of the valley

to their homes on the east side. The east side is made up primarily of bedroom communities with various shopping centers in between and places of worship. The roads that serve the east side are the roads that were there back in the days when Las Vegas planned for prevention of flooding by elevating and having the sidewalks higher so that the water would go down the middle of the road. The planning that is on those streets and roads has not progressed that much since then.

[Assemblywoman Ohrenschall, continued.] Therefore, I have sponsored A.B. 218. This measure directs Nevada's Department of Transportation (NDOT) to conduct a study of the need and feasibility of constructing an arterial or super-arterial road, and access to that road between Interstate Highway 95, and North Hollywood Boulevard in Las Vegas. This study will be in conjunction with the Regional Transportation Commission (RTC) since the two agencies work together and come up with the best answers and solutions. The study must include an analysis of the cost and feasibility of constructing such a road. NDOT must also determine whether access to the road from surrounding streets between I-95 and North Hollywood Boulevard is necessary. The streets that must be considered include Lamb Boulevard, Nellis Boulevard, and Sloan Lane.

Under the provisions of A.B. 218, NDOT must also propose a schedule by which the road could reasonably be constructed, completed, and identify any available sources of money to be used for constructing such a road. The director of NDOT must submit a report of the study to the 2007 Legislature. I hope that with this study, we can see the options available to relieve traffic congestion, and perhaps move a step closer to taking one of those options, and making it come true. This concludes my presentation of A.B. 218. I have representatives here from NDOT, and, the Regional Transportation Commission of Southern Nevada (RTC) who will describe what they have been doing in terms of prior studies that have just been concluded, and a study that is presently ongoing but that is not actually yet to the area that I am looking at. From RTC we have Mr. Jacob Snow, who will be telling us what he thinks that RTC can do in connection with NDOT. I hope that before this hearing is over we will be able to come up with something definitive in the bill where the two agencies may tell us what they can do that would be within the parameter of the bill.

Kent Cooper, Assistant Director, Planning and Research, Nevada Department of Transportation:

I brought some handouts for you today. The first one is the I-15 Northeast Corridor Study ([Exhibit C](#)). The second one is I-515 ([Exhibit D](#)), which is the study of the Southeast part of the Las Vegas Valley. I copied some pertinent pages for you but certainly I have this available for Committee members if they would like to peruse it.

[Kent Cooper, continued.] The primary purpose of the I-15 Northeast Corridor Study ([Exhibit C](#)) was to look at the I-15 corridor from the Spaghetti Bowl north up to the Apex area. Typically when we do these corridor studies, we don't just look at that single corridor, we look at the whole area of the valley of interest, so we can see what transportation options can be taken. Typically our solutions in the Las Vegas Valley now are multimodal. You can't handle it just with highways; you can't handle it just with transit; and you can't handle it just with freeways. You need higher order facilities, like super-arterials, along with the freeways, and the transit options. That is how we go about these studies. These studies are done in conjunction with the Regional Transportation Commission (RTC). All of these studies must be and are contained in this document ([Exhibit C](#)), which is their Unified Planning Work Program. It lists all the planning studies that will be undertaken over the next year. This is the draft 2005 document, and right now Mr. Snow's staff is working on the draft 2006 Unified Planning Work Program. The I-515 study is indeed included in this 2005 Unified Planning Work Program.

The I-15 Northeast Corridor Study actually looked at a number of options on the east side of the valley, including possibilities of doing the fourth leg of the beltway, and the eastern beltway. It also included super-arterial concepts on Sahara Avenue, Charleston Boulevard, Nellis Boulevard, and Lamb Boulevard. We did look at those types of options as part of the I-15 Northeast Corridor Study. There is some information if you flip through the brief summary that I gave you.

I will move on to the I-515 South Corridor study ([Exhibit D](#)). The reason that I brought both of these ([Exhibit C](#) and [Exhibit D](#)) is the area that we are talking about really is kind of on the border between those two. When you split up the valley into those four quadrants, we are really talking about that center part of the valley as you head out to the east into the Sunrise Mountain area.

In the I-515 South Corridor Study you will see element 6.0, which is a description of proposed transportation improvements, the super-arterial element. This is dealing with the areas that Assemblywoman Ohrenschall is concerned with.

You will see that we did propose three streets for further study, Sahara Avenue, Desert Inn Road, and Lamb Boulevard. Nellis Boulevard was looking like a good option as we were looking in these areas. But due to the closeness to Nellis Air Force Base, security concerns, and also Nellis Boulevard is almost built out with a lot of businesses, to implement a super-arterial on Nellis Boulevard would be cost prohibitive and have huge impacts on the business community. Lamb Boulevard seems to offer some other alternatives, although it is being built

out at a fairly rapid pace also. We will see how that functions in the future. Basically phase one of this corridor study said that Sahara Boulevard was a good recommendation. It recommended it for further study, which I think is what Assemblywoman Ohrenschall is indeed recommending to your Committee here today.

[Kent Cooper, continued.] We did recommended a super-arterial on Sahara Avenue from I-15 to the I-515 with further improvements as you move out to the eastern part of the valley including a possible bus/rapid transit element that Mr. Snow will address. However, there are some concerns with widening the roadway in regard to right-a-way width that Assemblywoman Ohrenschall is very cognizant of. We have about 140 feet of right-of-way already secured between I-15 and I-515, so it makes it a little bit easier to implement. As you get farther east there are some right-of-way concerns that would need to be studied looking at further transportation options out in that area.

Assemblywoman Gerhardt:

Please clarify that for me. We have U.S. 95 on one side and we have the Interstate 15 on the other. Interstate 515 is where?

Kent Cooper:

U.S. 95 is I-515 on the east side of the valley. So U.S. 95 is the I-515 freeway. Those are combinations; it's actually U.S. 95, U.S. 93, and I-515 from the Spaghetti Bowl all the way out to Railroad Pass. They are the same facility.

In regard to the public outreach that we have done on the I-515 corridor study ([Exhibit D](#)), we have had nine public meetings starting in July 2003, and running through September, 2004. More than 800 members of the public attended those meetings. Massive mailings have gone out in regard to that. We have done briefings for the City of Las Vegas, City of Henderson, Clark County Commissioners, Regional Transportation Commission, and the State Transportation Board. We have indeed gone to seven citizens advisory board meetings. Those are typically where we get the most citizen input, the Sunrise Manor Town Board, the Church Noblet Neighborhood Association, those types of organizations, and we have tried to include as many folks as possible in this public participation process.

Jacob Snow, General Manager, Regional Transportation Commission of Southern, Nevada:

Kent Cooper has laid a good foundation for the background that's occurred so far. We are working on the Uniform Planning Work Program for 2006, and it sounds like a study element in that particular program of documents would be

very in order for doing a study to revise the nomenclature for how we name freeways and highways to make them less confusing in southern Nevada. Certainly Interstate I-515, U.S. 93, and U.S. 95 might be at the top of the list.

[Jacob Snow, continued.] We already have planned in the draft for 2006 to spend \$750,000. Most of that is federal transportation planning money that we get from the Federal Highway Trust Fund. That money would be spent on taking the concept that has been outlined by NDOT, and their I-515 Corridor Study ([Exhibit D](#)) for the Sahara Avenue super-arterial, and putting some definition into that corridor study and actually doing the preliminary engineering work that would be necessary to further flesh out that concept. The scope for that study goes from I-15 to Interstate 515, however, it would be possible for us to expand the scope of that to go all the way out to Hollywood Boulevard, if that were to be the wish of this Committee. We would be happy to take a look at doing that and sitting down with NDOT to make that happen. I don't think that would be very difficult. We do, however, have the constraints that Mr. Cooper pointed out of the right-of-way being only 100 feet from Nellis Boulevard further out east on Sahara Avenue. That will limit what we will be able to look at in terms of what is going to be feasible. Certainly there are opportunities to increase the capacity and the throughput for all transportation modes in that area, not just automobiles, but for transit, bicycle, and pedestrian modes as well.

We are planning portions of Sahara Avenue into a rapid transit thoroughfare for the Metropolitan Express System. Part of this super-arterial study that we would do would incorporate not just the automobile mode, but the transit mode, bicycle, and pedestrian modes as well.

I am in support of the bill as written. I don't think it would be difficult for us to work with NDOT so that we could meet the requirements of this bill. The Director of NDOT could essentially take the study that we have planned for in our Uniform Planning Work Program for this year to further develop the concepts of a Sahara super-arterial, and present that to the next Legislature.

Assemblyman Claborn:

Are you contemplating extending Hollywood Boulevard from Nellis Air Force Base south?

Jacob Snow:

Our mention of Hollywood Boulevard really wouldn't involve anything in terms of an improvement to Hollywood Boulevard. What we really are talking about is Hollywood Boulevard would be the far easterly terminus of where we would study to put a super-arterial along Sahara Avenue.

Chairman Ocegüera:

Mr. Cooper would you like to show your display?

Kent Cooper:

What I have here is one of our display boards from the I-515 Corridor Study ([Exhibit E](#)), and I will draw from Hollywood Boulevard back into town, and as Mr. Snow indicated, Hollywood would be the terminus of the proposal.

Assemblyman Claborn:

Sometimes when they have the auto races at the track by Nellis Air Force Base, they let some of the automobiles go in and out of that direction; they go from morning until late at night. I have had lots of complaints about that.

Chairman Ocegüera:

We are talking about two things that you have already studied: making Hollywood Boulevard a larger road, and making some super-arterials coming from Hollywood Boulevard back into the city, correct, Sahara Avenue or Lamb Boulevard?

Jacob Snow:

We haven't done anything with Hollywood Boulevard. We don't have any plans to do anything other than the right-of-way acquisition and the plan Clark County has for Hollywood being a six-lane arterial, three lanes each way with a median in between the three travel lanes on each side. We don't plan on doing anything with Hollywood Boulevard at this point and we are not contemplating additional improvements to Hollywood Boulevard in the form of a super-arterial at this point. We do have plans based upon the study that has been done by NDOT, and that is identifying the potential for Sahara Avenue to be made into a super-arterial. I would like to point out that the Legislature enabled us to have the revenue to expand our high-speed lane-mile network in southern Nevada by 425 miles, and that was at the last session.

We now have a hand-full of projects. The Bruce Woodbury Beltway being the one that everyone has already agreed to. That project will require the majority of those Question 10 dollars to be used for ultimately building out that facility. My guess is about \$500 million left over to fund another half a dozen projects for high-speed lane miles. We think that the Sahara Avenue super-arterial is one of the potential projects that will provide for the public one of the biggest bangs for the buck that we can provide them. The reason we are moving forward with the study of the Sahara Avenue super-arterial is because that will be a multi-modal corridor.

[Jacob Snow, continued.] We can't solve the problem with one particular mode. We have to combine them everywhere we can, and we think that 140 feet of right-of-way makes that a very competitive proposal to spend the public's money in the best way possible. That is what we are contemplating doing in the coming year with that \$750,000, most of which is federal money. That money will support our planning efforts and provide some preliminary engineering, and also put a definition to what that actual project would be.

Chairman Oceguela:

I noticed that there is a fiscal note. Is this something that could be included in projects already happening?

Jacob Snow:

We are contemplating spending \$750,000 for this study. When we put the original draft together, we did not contemplate going all the way out to Hollywood Boulevard. My guess is that would result in an additional \$100,000 to look at the corridor all the way out to Hollywood Boulevard. Since that is a state controlled right-of-way, we look forward to sitting down with NDOT and working out the requirements for that. I think that would be something that we would want to see happen.

Kent Cooper:

We did prepare a fiscal note on this. It really depends on the extent that you want to study that corridor. The fiscal note we did prepare was about \$680,000. The studies I showed you are multi-million dollar studies. It depends on the level of detail that you want to take those studies to. As Assemblywoman Ohrenschall discussed, you want to get to the details of how you are going to fund the project and exactly the right-of-way you are going to take. Beginning the design plans can get much more expensive and take up Mr. Snow's entire planning budget. It really depends on the scope of how far you want to take this and how you would actually legislate it. It does have a fiscal note and it isn't currently contained within our budget. It would be something that we would put a fiscal note in to the Executive Branch and then on to the Committee. The Department respectfully would oppose the legislation because I think that we feel that we can handle this without the legislation being in place with just an agreement with Mr. Snow. Putting this project in their work program could be accomplished before legislative session is out this year.

Chairman Oceguela:

Ms. Ohrenschall, how do you feel about that?

Assemblywoman Ohrenschall:

I would not have any objection. Of course, I would feel better if we could take whatever agreement that they come up with and incorporate it within the language of the bill, or perhaps change the bill into a resolution, whatever would give a greater degree of comfort to the two agencies. I could work with that.

Chairman Ocegüera:

Since we have both the representatives here, what if we struck a deal? I will draft some correspondence to the RTC and NDOT, and copy you on that.

Assemblywoman Ohrenschall:

That would be perfect.

Chairman Ocegüera:

Mr. Snow, would that work for you?

Jacob Snow:

That works for me, Mr. Chairman.

Kent Cooper:

Acceptable to the Department, absolutely.

Chairman Ocegüera:

I don't see any other questions. We will close the hearing on Assembly Bill 218.

We will open the hearing on Assembly bill 286.

Assembly Bill 286: Requires Department of Transportation to construct sound barriers along portion of U.S. Interstate No. 95 in Clark County. (BDR S-439)

Assemblyman Bob McCleary, Assembly District No. 11, Clark County (part):

Thank you for allowing me to bring Assembly Bill 286 to your attention. This is probably going to be one of the most exciting bills that you are ever going to deal with during this legislative session.

Assembly Bill 286 proposes to put sound walls on a portion of Interstate 95 from Las Vegas Boulevard to Charleston. I-95 was built in the 1980s and it was built through neighborhoods that already existed. The homes that were there were built in the 1950s and 1960s. During my 2002 and 2004 campaigns, I met a lot of angry citizens in those areas close to this freeway. I

noticed that some front yards faced the freeway. In order to talk to one another we had to yell because the freeway noise was so loud. In 2004, it was still a very strong issue for these people, and I felt that I had better look into this. I did some research and I noticed that my predecessor, Doug Bache, brought this measure three times to the Committee. I also found that this was originally promised in the construction of this freeway, but for fiscal reasons it was never able to be completed. This summer I submitted a BDR to go forward with it again. I received a letter from Jeff Fontaine ([Exhibit F](#)) of Nevada Department of Transportation. It is a letter of intent, and outlines the schedule, starting in 2005. You might ask, why am I still bringing this before you? Considering it was promised when it was built, you'll forgive me for having my doubts and wanting to make sure that it's codified in statute.

Assemblywoman Chris Giunchigliani, Assembly District 9, Clark County, (part):

When I saw this legislation, it actually said "NDOT has worked out an agreement." The only reason I knew about it was years ago we kept getting pieces of legislation for areas needing a sound wall. The cities were improperly issuing permits for housing and not including sound walls. It wasn't fair to NDOT, let alone those people who had to live nearby these types of situations, so we created a fund. Part of my district abuts Mr. McCleary's. I have been working 4 1/2 years with my constituents. I have a small neighborhood association, and Mr. Martin, who chairs it, brought it to my attention. My area that borders U. S. 95 is downtown Las Vegas by the City Hall near the Howard Cannon Senior Center.

Years ago when NDOT put that leg in, the right-of-way was acquired through eminent domain within five feet of the center. I have senior citizens who I could not talk to because of the freeway noise. Mr. Martinez, who works with NDOT, came out, and we did sound studies. I had people who had hubcaps stuck in the sides of their houses. They had broken car windows because they were literally within two feet from the expressway below, with no sound walls. The worst part was the environmental impact because of the soot. They had a quarter-inch of soot that accumulated every single day on their homes, and windshields. It's a health factor.

We have been having meetings with the city of Las Vegas, the City Council, my constituents, and they are planning on expanding the project. We are looking at acquiring funding while they looked at the future planning. The city came up with a match grant with the county and with NDOT. It will give those people some relief. I think, even more importantly, we wanted to enter into the record that they willingly worked this out, but let's make sure it stays willingly worked out. It helps me keep the city and county a little bit accountable on their portion of the match. I think NDOT is reviewing its policy of how close you don't do

"takings." In some cases, it's actually more appropriate. These individuals wanted to sell their houses, and they weren't permitted to do it at fair market value. Even though market value increases have gone up, no one is going to buy them. The quality of life for them has been negatively impacted. Jeff Fontaine has assured me that he is going to look longer term, and I think that has actually been built into their policy on the environmental side, and the noise side.

Kent Cooper:

I did provide a copy to the Committee of our Interlocal Agreement ([Exhibit G](#)). This is with the City of Las Vegas and the Nevada Department of Transportation. If you look on the last page you will notice that our signatures are prominently not there. The City of Las Vegas just executed this, and got it up to us this week. We will now send it through our process. The City of Las Vegas has taken this item before the Regional Transportation Commission of Southern Nevada. Basically, what they are doing is fronting the whole amount of money to the Department of Transportation. The entire project is partially in the county and partially in the city. It's a \$26 million project: \$20 million of it is in the city, approximately from Las Vegas Boulevard down to the Charleston Interchange. From Charleston Boulevard to Sahara Avenue is a \$6 million project that we are doing a 50-50 in partnership with the county. The city is actually fronting this money. You are probably well aware of our sound wall program. We allocate approximately \$2 million a year so we couldn't go forward with the whole thing at once. They have graciously advanced us the money, and we will pay them back over a five year period for our \$10 million portion with the city and then work with the county in regard to that portion. The project is well on the way. We have indeed taken this before the State Transportation Board, and it is in my annual work program. The Department would respectfully oppose this bill because we feel it's unnecessary due to the project being off and running. It is in the design process now and I believe it is scheduled for December construction.

Assemblyman Manendo:

Does that mean for the next seven years there will be no sound walls anywhere in the whole state being built?

Kent Cooper:

No, I don't believe that is the case. I believe there are ways that we can accommodate additional sound walls. We would have to go before our governing board, the State Transportation Board. I think we are still receiving applications for additional sound walls at this time.

Assemblyman Manendo:

I am confused. If it is going to take two years to do the county's portion, and five years to do the city portion, are they going to advance you the money? Are you going to pay that back over the next seven years? Your account will be depleted over the next seven years because you have already dedicated those funds to this project. How do you fix that then?

Kent Cooper:

I believe what we would do is allocate additional money in addition to what our current sound wall program allocation is through the Transportation Board.

Assemblyman Manendo:

Your \$2 million is not really a set in stone number because you are saying that you can go ahead and obtain more money.

Kent Cooper:

We would have to evaluate our budget and find additional money.

Assemblyman Manendo:

What are the decibel levels right now for the area you are on planning building?

Kent Cooper:

I couldn't give you those exact numbers right now.

Assemblyman Manendo:

Do you know what the current requirements are to obtain sound walls?

Kent Cooper:

Sixty-six decibels is the current federal standard that we use to make you eligible for the federal funding. There are a couple of different issues here. When you do new facilities, you look at a 20 year projection of that, and that is what you are basing it on. When you do a retro-fit program, it's a little bit different issue and you are looking at current levels.

Assemblyman Manendo:

When that portion of U.S. 95 / I-515 was built, do you know what the decibel levels were at then, because obviously you were looking ahead 20 years. Were they at the 50 range, 60 range? I am wondering how close they were to the 66 decibels, 15, 16, or 20 years ago on that portion?

Kent Cooper:

I have reviewed some of those, but I wouldn't want to be quoted on exact numbers right now. The levels actually were not really approaching the

threshold at that stage of the game. I think a number of things have happened in the interim time frame, and that being the massive expanse of the state of Nevada and the Las Vegas Valley. In addition to that, in the time frame when these were additionally looked at, you were right in the time frame of the 55 mile-per-hour speed limit. The increase in that speed limit has actually increased the noise levels pretty dramatically in those areas. I believe Assemblyman McCleary referenced it a little earlier. What the record of decision in the original document actually stated was, when those noise levels reached those standards then noise walls would be considered at that stage of the game. Unfortunately, the Federal Highway Administration (FHWA) doesn't allow you to use their funding to do those types of activities.

[Kent Cooper, continued.] There have been a lot of concerns about the Eastleg Freeway. In our eyes there are a lot of contributing factors to the noise out in those areas. The type of structures you have built there, and the noise that might resound off the bottom of those overpass structures. You have a viaduct structure there, and we did try to affix barrier rail extensions, which was the first time we did those in the state. I think the citizens weren't very happy with those. They did a fairly good job and it was better than it was before but certainly nothing like having a full-scale sound wall out in that area. In addition to that, when we were originally looking at the viaduct structure and putting sound walls out there, probably seven to ten years ago, the construction standards and the materials they were using didn't allow us to put the full-scale sound walls on the viaduct structure. I had many conversations with Councilman Gary Reese from the city of Las Vegas in regard to that same area that Chris Giunchigliani was just talking about. The current standards and the current materials they are using in regard to the sound walls now allow us to go on the current viaduct structure and actually construct full scale sound walls.

Assemblyman Manendo:

How long of a project is this? Is it a mile? Is it two miles?

Kent Cooper:

I would say it is approximately five to six miles from Las Vegas Boulevard around the curve to the Charleston Interchange.

Assemblyman Claborn:

I know for a fact that this is the fourth term that I have been here, and we have been trying to get sound walls out there and he hasn't gotten them yet.

Chairman Oceguela:

Mr. Claborn, can you hold those comments for his bill [Assembly Bill 311] and we will finish out here.

[Chairman Oceguera, continued.] Mr. McCleary, are you satisfied with the results of your hearing on this bill, and the results of getting some sound walls in your neighborhood?

Assemblyman McCleary:

Yes, Mr. Chairman, I am. If I understood correctly, we are going to do something with a letter of intent. If that is what you desire, did you want to go ahead and process the bill?

Chairman Oceguera:

I think it is up to you. I can request from NDOT a statement saying that they are going to do what's in this bill, if you would like. I think that would work fine.

Assemblyman McCleary:

If they have reservations about doing this in statute, I don't see why it needs to be there anyway. If I had something in stronger language, maybe with your letterhead, I just want to make sure it is followed through and done. I would be happy to withdraw the bill if you are satisfied that they will do it.

Chairman Oceguera:

Let's just leave it on the board. Mr. Cooper, would you provide me with a letter that says you're actually doing what this bill is asking for, and it's on the books, and that you intend to follow through with that?

Kent Cooper:

We will be more than happy to provide this Body with a letter stating exactly what I have talked about today.

Assemblywoman Giunchigliani:

That is more than satisfactory to me. We had sound wall wars up here for many years, and we tried to take the progressive step of having NDOT create a policy as well as a fund. This happens to be the next leg that is being looked at for expansion and a variety of other things. Because we were able to get the city to do the up-front money, we are able to do this section, because the sound wall fund is not adequate. That is a separate issue, and I just don't believe we make policy through statutes in this way if we have already established the policy that sound walls are needed. To me the local governments are just as irresponsible because they allowed permits for construction right up against some of these freeways, in many instances. Then we get stuck with having fingers pointed. That's why I appreciated the local government working with it. I feel very comfortable with the letter that Mr. McCleary will be sent and appreciate your time today.

Chairman Ocegüera:

I will close the hearing on Assembly Bill 286.

I will open the hearing on Assembly Bill 311.

Assembly Bill 311: Makes appropriation to Department of Transportation for construction of extension to sound barrier on east side of U.S. Highway No. 95/Interstate Highway No. 515 near Elaina Avenue in Las Vegas. (BDR S-192)

Assemblyman Manendo, Assembly District No.18, Clark County (part):

There are about 20 residents in a very small portion of the area where the sound walls in A. B. 311 are going to go. They have been there since 1973, which was prior to U.S. 95 being built in 1985. These original owners were here first. This is a quality of life issue for these folks. I do have the support of the Whitney Town Board, and the Southeast Valley Coalition of Concerned Citizens. I spoke through email and phone calls to the respective chairs of those committees, George Beyea, from the Whitney Town Board, and Marion Ainsworth from the Southeast Valley Coalition of Concerned Citizens, which is a group of community leaders in the area of Assembly District 18. They are in support of this bill as well.

This isn't the first time that I bring forth this particular piece of legislation. I am not sure how \$3.2 million came about because just a few years ago it was about half of that amount. This is something the Committee can think about. The stretch of U.S. 95 that I am talking about is from Tropicana Avenue to Russell Road, on that east side. We don't need sound walls the whole stretch, because there are areas, such as where Nevada Power is, that won't require them, and there is a portion of the sound walls from Tropicana Avenue almost to Nellis Boulevard that is already completed. We are talking about maybe a mile at the most.

Chairman Ocegüera:

My district is Tropicana Avenue to Flamingo Avenue. It seems to me that part of that is underground.

Assemblyman Manendo:

No. The highway is elevated, between Tropicana Avenue as you go towards Russell Road, and it actually declines toward Henderson. If you drive north along U.S. 95 and you are going towards your district, on the right hand side you can actually see into people's backyards. This is the only picture that I could get.

[Mr. Manendo displayed for the Committee the photo on his laptop computer]. It shows how close it is, about 125 to 150 feet. [Mr. Cooper showed his map ([Exhibit E](#))]. This is Nevada Power property, and you don't need to have sound walls in that area. The residences are about from here to here and I believe there are sound walls that are almost parallel with Nellis Boulevard. So we are only talking about a 1/2 mile portion, which would satisfy what the people in my district need.

Assemblyman Goicoechea:

The yellow line across the map, isn't that where you are considering the super-arterial? Looking at your map, Mr. Cooper, is this section being proposed to be upgraded?

Kent Cooper:

No, the yellow line on that map is the U.S. 95–U.S. 93–I-515 freeway facility.

Assemblyman Goicoechea:

Is that going to be updated?

Kent Cooper:

That was one of NDOT's concerns over the past couple of years and an item of interest in the I-515 corridor study. Yes, that is proposed to be upgraded as part of the study. One of our concerns was the timing. We didn't want to build sound walls if we were going to be out in the next few years upgrading that facility; however, cost estimates on the upgrade of that freeway along with environmental concerns indicate to us that it is quite a ways out. It could be anywhere from a four-to ten-year time frame. So we feel the need to move forward with sound walls on the corridor now.

Assemblyman Manendo:

Freeways in Nevada were built largely with federal highway dollars. The matches in most cases were 5 percent state dollars and 95 percent federal dollars. These federal guidelines would not provide funding for sound walls unless the level of freeway noise was predicted to be high, about 67 decibels average during the peak hour of the day based on the traffic projected within 20 years. In 1996, when they opened that portion, the levels were between 50 and 69 decibels and the high was within the levels. The 67 decibel noise impact level, inside the right-of-way limits and no traffic noise impacts were predicted, therefore, no sound walls were considered at that time. I have to think about questioning that as we move forward with highways in the future, especially in our state, as it is growing. This is my third decade living in the same area of Las Vegas. When I moved my family to Las Vegas, we knew back in the early 1970s when we visited what a booming town Las Vegas was.

[Mr. Manendo, continued.] When we look ahead 20 years, the growth of Las Vegas is doubling in size every 10 years. I think maybe we need to rethink how we are going about analyzing what those impacts are going to be in 20 years. I can't imagine what the growth will be in my area, or my colleague's Assembly District 29 is going to be in the next 10 years.

NDOT has gone out and done studies. Back in May, 1997, a 24 hour study was conducted at my constituent's house at 4849 Elaina Avenue, Donald and Rita Green's home. They have since moved out of their house because they could not take the noise anymore. I went into their house in 1997 and witnessed their mirrors, and pictures on the wall shake, fall down, and break. The Department did recognize at that time those levels were above 67.7 decibels and were above the impact criteria. Eight years ago those folks were well within the area of criteria that would be deserving of sound walls. It has been a wait-and-see. I have to agree this should be a responsibility of the locals at the same time as was the case in Assembly District 9 and 11. I question why when we had an opportunity to obtain federal dollars when they built the highway, the criteria wasn't projected out 20 years. There is no way anybody would think we were not going to have growth 20 years ago.

I don't know how we proceed. Apparently from a letter that I saw, even if the state kicks in the money, they are still opposing Assembly Bill 311. I can't imagine why, if we come up with the money, NDOT would still oppose the bill. I know I would have to fight that in Ways and Means. We all have a job and responsibility for quality of life for our constituents. That is what we are here to do, and that is why I am here.

Assemblyman Claborn:

You still haven't received those sound walls after all this time, is that correct?

Assemblyman Manendo:

No.

Dennis Baughman, Chief of the Communications Office, Nevada Department of Transportation:

[Read from [Exhibit H](#).]

Freeway noise in Nevada is a multimillion dollar problem. Concerned about this issue, the Nevada Department of Transportation created a freeway retrofit program a number of years ago to help mitigate the noise impacts along the worst sections of Nevada's freeways in a cost-effective manner. The program provides that only areas which have received matching fund commitments from local governments receive consideration.

[Dennis Baughman, continued.] The rationale behind the matching fund criterion, in the retrofit sound wall policy, is that local governments share in the responsibility for traffic noise by approving freeway alignments and allowing residential development along freeways and should share in the cost of retrofitting noise walls.

Freeways in Nevada, including this one, were built largely with federal highway funds. The match in most cases was 5 percent state dollars to 95 percent federal dollars. The only sound walls built were those that were allowed for funding under strict federal guidelines. These federal guidelines would not provide funding for sound walls unless the level of freeway noise was predicted to be high. For example, 67 decibels during the peak hour of the day based on traffic projected within 20 years. Sound walls were not built in this area because they did not meet these strict federal guidelines.

The Department of Transportation, in partnership with the City of Las Vegas and Clark County, as you have heard in the previous bill, is developing plans to construct sound walls along Interstate 515 between Las Vegas Boulevard and Sahara Avenue, the first segment of this freeway to be built. This \$26 million project is scheduled to start construction by the end of this year. Both the City of Las Vegas and Clark County are providing 50 percent of the total funding for the sound walls within their jurisdictions.

Mr. Chairman and members of the Committee, the Nevada Department of Transportation respectfully opposes this bill. If a matching fund commitment from this area is secured, however, we will take the request to the Transportation Board of Directors for consideration.

Assemblyman Carpenter:

If it looks like the quality of life has been really affected there, how come there hasn't been some inverse condemnation suits filed to try to alleviate the situation?

Assemblyman Manendo:

I don't know why. Folks tend to believe government is going to help them when they have brought forth their quality of life concerns to different jurisdictions. I

guess they still believe and have hope that something is going to happen the right way, and not have to go through a jury system to get something that should have been done 18 years ago.

Assemblyman Carpenter:

What if you're successful in getting your appropriation from the Ways and Means, will NDOT then be a little more proactive to try to get these sound walls in?

Kent Cooper:

I believe we oppose this bill because it is not in the Executive Budget. If funding is available to do those sound walls, I think we would be more than happy to do them. We do have a concern that there are many needs in the urban area of the state for sound walls, and not just this area. We really need that matching commitment from our local partners and feel very strongly about that. We have sent letters to Clark County and the cities in the Las Vegas Valley, and the Reno-Sparks area encouraging them, in their zoning decisions, to consider this type of effort. Certainly when they approve housing developments, they would make those developers come up with a portion of the matching funds that would be required for these sound walls. In this area, where the development has already occurred, it is a little bit different situation. The Department is not at all opposed to sound walls in that area.

Chairman Oceguela:

Mr. Cooper, in your strategic plan for building sound walls throughout the valley, where does this area fall in line?

Kent Cooper:

I believe this area would probably be one of the next in line in regard to what we consider the highest priorities for the Las Vegas Valley.

Chairman Oceguela:

What would be the time frame?

Kent Cooper:

I believe the critical issue is we are basically demanding that these local areas come up with the 50-50 matching funds for us to proceed.

Chairman Oceguela:

Mr. Manendo is that all County jurisdiction?

Assemblyman Manendo:

Yes.

Chairman Oceguela:

Any discussion with Clark County on your part?

Assemblyman Manendo:

We have had many discussions over the years with the Clark County. I am here to obtain money because we've run into brick walls.

Assemblyman Atkinson:

Would there be a time frame? You mentioned it depends on matching funds. If we came up with matching funds, how long would that take?

Kent Cooper:

I would need to take that to the State Transportation Board because they do approve our work program subject to your budget constraints that the legislative body puts on us. We would probably, assuming funding was available, move into a design phase and certainly implement within a couple years time frame at the most. That isn't really a constraint type of issue.

Chairman Oceguela:

I don't see anyone else wishing to testify for A. B. 311. I will close the hearing on A. B. 311.

I think that both the Department of Transportation and Mr. Manendo have made the argument that there is a need for a sound wall there, as far as the public policy portion of it. Mr. Manendo would have to make that battle in the fiscal arm. As far as I am concerned, we might as well move it forward and let him fight that battle there.

Assemblyman Manendo:

I appreciate that. I would still question where the \$3.2 million came from in this particular bill. I would support moving the bill forward as is, but I don't know if there is a way that Research or Fiscal can look into where they actually came up with that number. It was half that number a few years ago. I know property values have increased that much but I don't know about sound walls.

Dennis Baughman:

The full estimate for \$3.2 million was sent to the Legislative Counsel Bureau Legal Division. They have a copy of it, I would be happy to provide the Committee a copy of that estimate if you wish.

Chairman Oceguela:

I think Mr. Manendo is interested in seeing that.

Assemblyman Manendo:

I wanted to see if they had a breakdown of how that number came about. Actually, it was less than half that amount.

Dennis Baughman:

Yes, we do have that breakdown and you are correct, it was half that amount.

Assemblyman Sherer:

Can we send a letter to the Clark County Commission requesting that they help?

Chairman Ocegüera:

I will work on it.

ASSEMBLYWOMAN OHRENSCHALL MOVED TO DO PASS
ASSEMBLY BILL 311.

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

[Meeting adjourned at 2:45 p.m.]

RESPECTFULLY SUBMITTED:

Linda Ronnow
Committee Attaché

APPROVED BY:

Assemblyman John Ocegüera, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: March 24, 2005

Time of Meeting: 1:38 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda (2 pages)
	B	Assemblywoman Ohrenschall	I-515 Corridor Study, Public Outreach Updates, (6 pages)
	C	Kent Cooper	I-15 Northeast Corridor Study Detailed Evaluation of Alternatives (8 pages)
	D	Kent Cooper	I-515 Corridor Study Detailed Evaluation of Alternatives (6 pages)
	E	Kent Cooper	Display Board, Map 1-515 Corridor Study, Phase 1
	F	Assemblyman Bob McCleary	Letter from Jeff Fontaine, NDOT Director (4 page)
	G	Kent Cooper	Interlocal Agreement (6 pages)
	H	Dennis Baughman	Testimony statement in opposition of A. B. 311