

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

**Seventy-Third Session
April 28, 2005**

The Committee on Transportation was called to order at 1:38 p.m., on Thursday, April 28, 2005. Chairman John Oceguela presided in Room 3143 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4401 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 Oceguela, 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:

Senator Bob Coffin, Clark County Senatorial District No. 10
Senator John Lee, Clark County Senatorial District No. 1
Senator Dennis Nolan, Clark County Senatorial District No. 9

STAFF MEMBERS PRESENT:

Marjorie Paslov-Thomas, Committee Policy Analyst
Angela Flores, Committee Manager

Linda Ronnow, Committee Attaché

OTHERS PRESENT:

Bob Ostrovsky, Chairman, Nevada Cultural Commission and Vice Chairman, Museum and History Board, Las Vegas, Nevada; and Legislative Advocate, representing 3M Corporation, Las Vegas, Nevada

Martha Barnes, Central Services Administrator, Nevada Department of Motor Vehicles

Stacey Allsbrook, Executive Director, Centennial Celebration Committee, Las Vegas, Nevada

David Howard, Legislative Advocate, representing Dacole Company, Reno, Nevada

Elizabeth Lake, Intern for Senator Heck

Bobby Gang, Legislative Advocate, representing the Nevada Women's Lobby, Las Vegas, Nevada

Chris Ho, University of Nevada, Las Vegas Intern for Senator Barbara Cegavske

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

Jim Spinello, Assistant Director for Administrative Services, Clark County, Nevada

Gerald Ernst, representing Older American's and American's with Disabilities Advisory Committee to Regional Transportation Committee, Las Vegas, Nevada

Ted Olivas, Director of Government and Community Affairs, City of Las Vegas, Nevada

Erin Breen, Director, Safe Community Partnership, Las Vegas, Nevada

Chairman Oceguela:

[Meeting called to order. Roll called].

I will open the hearing on S.B. 290.

Senate Bill 290: Removes limitation on issuance of special license plates commemorating 100th anniversary of founding of Las Vegas. (BDR 43-223)

Senator Bob Coffin, Clark County Senatorial District No. 10:

Senate Bill 290 is a wonderful bill because it changes the original issuance reason for the 100th Anniversary plates for the city of Las Vegas. These plates

are not subject to the limitation of 25, which existed previously now subject to Commission approval; it's exempt from that. You approved this bill four years ago to assist the City of Las Vegas in two things. One was the commemoration of the 100th Anniversary of the city of Las Vegas which is going on right now, and is attracting people from all over the world. The second reason was for preservation projects, but that was eclipsed by the overwhelming emphasis on the proceeds going for the Centennial.

[Senator Bob Coffin continued.] I don't think any of us foresaw the popularity of the plate and how it's driven people to that logo at the entry point of the city at the south end of the Strip. Thousands of people cross the freeways and go into the center lane of traffic to have their photo taken by it. All of these things have spread the logo of Las Vegas all over the world.

Now that the Centennial is occurring, and an unbelievable amount of money has been raised and is continuing to be raised, it will prove to be the most successful plate in the history of the state. As of September 30, [2004] proceeds of this plate had reached \$1.1 million. I am sure that they are well over that now. The Lake Tahoe plate, which is very popular, has raised over \$2.5 million. Right now there are 118,411 Lake Tahoe plates on the roads and 32,000 Las Vegas Commemorative plates. There is good reason to make a lot of people happy and to give them the privilege of continuing to use that plate by removing the sunset, which this bill does, and passing it to give us a chance to save some of historic southern Nevada.

They are moving four railroad cottages built in 1905 out to Henderson to be in the museum. We need money for these things. There are some properties that might be purchased, and the city would like to continue to be able to pay for these things, to offer them to the citizens of Las Vegas at no tax expense. I think it's a great thing, and I hope you will support it. I don't know if the City of Las Vegas is here to support this bill. The mayor has appeared before this Committee in support, but I don't think he is here at this time.

Assemblywoman Ohrenschall:

Did I understand correctly that all we are doing here is removing the sunset?

Senator Coffin:

We are doing two major things. We are removing the sunset, which we did not think about in the Seventy-First Legislative Session; people were thinking, let's limit these things. This plate turned out to be exempt from the jurisdiction of the commission that limits those kinds of plates to 25. It also narrows the reason for the funding down to historic preservation.

Bob Ostrovsky, Chairman, Nevada Cultural Commission and Vice Chairman, Museum and History Board, Las Vegas Nevada:

Senate Bill 290 creates revenues for the purposes of preservation in Clark County. We think that is an immensely important thing to do. We have a bill to reauthorize bonds for the Nevada Cultural Commission for historic preservation. However, the money spreads very thin across all of the state. The money that will be generated from continuing this plate will be used to do projects in an area where people seem to want to pave more things, and they want to save more things. This is a voluntary tax or fee paid for by residents of the state who want to see good things happen in their community. We strongly support this license plate.

Assemblyman Claborn:

Last session I thought we began a different process to deal with special license plates. They have a panel and committee that you go to. Would there be any reason why you shouldn't go to the panel for this bill?

Senator Coffin:

This plate predates the existence of the Commission. Therefore, people made an allowance for that when this bill was drafted.

Chairman Oceguela:

I am going to have Ms. Barnes from the DMV [Department of Motor Vehicles] discuss that, because I think this is one of the 25 license plates.

Martha Barnes, Central Services Administrator, Nevada Department of Motor Vehicles:

Yes, this Las Vegas Centennial plate is included in the 25 limit. This one was supposed to sunset at the end of this year, December 31, 2005. I believe there is one plate on the waiting list based on that information.

Assemblyman Claborn:

Did this go through the regular process? I had a Shiners plate bill that I had drafted, and it got shuffled from the front clean out the back door.

Martha Barnes:

We noticed after the Seventy-Second Legislative Session that there were quite a few plates brought forward. When the Commission went into play and the plates were brought before them, only one or two were actually brought forth in session. There were so many that did come forward that they met their limit of 25.

Bob Ostrovsky:

The question was, could it just be referred to the Commission for review. The answer is no, because this has a statutory sunset, which the Commission would be unable to remove. It's the statutory sunset that we are asking you to lift. The Senate Transportation and Homeland Security Committee will take a look during this session at the Commission to determine whether or not 25 is the right number and whether the process is right. They have concerns similar to the ones you are expressing here. We have seen a number of bills this time for license plates, and the feeling is maybe we have the wrong number out there. It became very tight when we did the Commission. There were only a few bill spaces left, and they were filled pretty quickly by those people who were most aggressive at getting signatures, leaving some people who have a justifiable cause for a plate no place to go but the Legislature.

Stacey Allsbrook, Executive Director, Centennial Celebration Committee, Las Vegas, Nevada:

I am here in support of the bill.

Chairman Ocegüera:

I will close the hearing on S.B. 290.

ASSEMBLYWOMAN OHRENSCHALL MOVED TO DO PASS
SENATE BILL 290.

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

We will go to S.B. 251.

Senate Bill 251 (1st Reprint): Authorizes operation of certain motor vehicles without front license plate under certain circumstances. (BDR 43-463)

David Howard, Legislative Advocate, representing Dacole Company, Carson City, Nevada:

Senate Bill 251 was rewritten from a bill that this Committee saw during the Seventy-First Legislative Session. We tried to rewrite it to take care of those concerns that were expressed at that time. This bill allows the owner of a vehicle that comes from the factory without a provision for a front license plate

to not put that license plate on the front. There is no loss in revenue; they are still required to buy two plates, and the owner has the option to put it on or not put it on.

[David Howard continued.] In the packet that I sent you ([Exhibit B](#)), there are some examples of cars that come from the factory that way. There are 20 other states today that only require a rear license plate.

Assemblyman Claborn:

You want the license plate to be placed on the back of the vehicle, correct?

David Howard:

If it comes from the manufacturer with no provision for a license plate in the front of the vehicle, then the plate will be put on the back.

Assemblyman Claborn:

What would you be able to put on the front, something similar to your social security number if you wanted to or what? What would you be allowed to do?

David Howard:

I am speaking for the people who do not want to put anything on the front of their cars. Given my experience from living in two states that only require a rear license plate, what you find is that people put anything from their Masonic Order number, Shriner, Boy Scouts; you name it, it's on the front of those cars.

Assemblyman Atkinson:

I am interested to know what law enforcement thinks about it.

David Howard:

I cannot speak for law enforcement. Since I have been working on this landmark legislation, I have noticed so many cars without front license plates. Before you bought that yellow convertible you never saw one, then all of a sudden there are 4,500 on the roads, and that's what I have seen with this bill. We did speak to law enforcement last summer when we started crafting this bill, and they said they would get back to us. Then I talked to them at the beginning of the session, and they told me they did not have any concerns with it. I talked to Metro [Las Vegas Metropolitan Police Department]; I didn't talk to every law enforcement agency.

Assemblyman Goicoechea:

If there is a bracket on the front to put a plate, you shall put a front plate on; is that correct? You wouldn't be able to put your Shriners or Boy Scout Plate on.

David Howard:

That is correct.

Assemblywoman Gerhardt:

My concern, as someone who has worked in law enforcement, when the good guys are responding to a call, generally speaking, the bad guys are leaving, and it's really handy to have a front plate so that you can identify vehicles.

David Howard:

I cannot speak for law enforcement. We have had some debate about that in the past; can you really read that license plate coming towards you at 70 miles per hour?

Bob Ostrovsky, Legislative Advocate, representing 3M Corporation, Las Vegas, Nevada:

I am here on behalf of 3M Corporation. We are the manufacturers of the materials that you make the plates from. This bill wouldn't affect us financially one way or the other. We have a bidded product with the state, and this bill requires the purchase of two. This bill was amended in the Senate side at my request. You have to be very careful how you read Section 1, paragraph 2. It says, "if the motor vehicle was not manufactured to include a bracket, device, or other contrivance, and there are no other means or methods to put a plate on."

Many of the automobiles that you see in the materials that were given to you ([Exhibit B](#)) are on this list. These vehicles do have a method of putting on a plate. They have pre-drilled holes in the bumpers, which are painted over and you have to punch out. My understanding, as the bill is drafted, is that this would require a front plate. This bill applies to very few vehicles, mostly of foreign manufacture. It is a very limited exemption. In discussion with the proponents of the bill, that was a satisfactory solution. It was not their intent to have a widespread one plate policy. 3M has opposed one plate nationwide, and they supply 49 of 50 states and most of the world with license plates. The largest license plate factory is in Singapore, where they make all the license plates for China.

We are concerned for two reasons. One is that law enforcement must be able to see the number. When you are going to a crime, you see 50 cars. When you are coming from a crime, you may only see one or two, the ones right in front of you.

The other issue is reflectivity, which we are big believers in. I have been to a night driving course in St. Paul, Minnesota. If you are driving 60 miles an hour

past a stalled vehicle with no front plate in the middle of the night, you don't see anything until you have passed the car. If you put a reflective plate on the front, about 500 yards in advance you know there is a vehicle in the road. From a safety point of view, we always stay with two plates. We agreed to this language on the other side because it's a very limited exemption. I don't want anyone to get the impression that this will give you a free pass with the Highway Patrol or local law enforcement. It is going to be a specialized vehicle not to have this front plate attached; 99.5 percent of cars will require a front plate.

Assemblyman Carpenter:

I don't know whether this language says what it's supposed to say or not. It looks like it says "the other license plate may, at the option of the owner of the vehicle, be attached to the motor vehicle in the front." There has to be a really good reason not to put it on the front of the vehicle. Maybe we need to pass a bill that says all manufacturers need to provide a place for a front plate.

Chairman Ocegüera:

I will close the hearing on S.B. 251 and open the hearing on S.B. 472.

Senate Bill 472 (1st Reprint): Revises provisions concerning penalties for failure to secure child in approved child restraint system. (BDR 43-1338)

Anyone wishing to testify on S.B. 472? Since nobody has come up to testify, we will close the hearing on S.B. 472 and open the hearing on S.B. 327.

Senate Bill 327: Transfers authority to provide for benches and shelters for public mass transportation from local governments to regional transportation commission in certain larger counties. (BDR 32-1167)

Senator John Lee, Clark County Senatorial District No. 1:

I have a bill that I think is very important. Imagine you live in Los Angeles, California, and you want to come to Las Vegas for a week. You decide not to drive, but you want to take the new Bullet Train. It's new and will get you here faster. You are ready to go; you get up in the morning, run down to the train tracks, unload your luggage next to the train tracks, and stand there waiting for the Bullet Train. There is no cover, no shelter, nothing there but you, some cactus, and a tumbleweed rolling by. The dry, hot summer sun that we have in southern Nevada whips your face. If you were smart, you would have brought

your parasol or your umbrella. With any luck the Bullet Train is on time, and you can get right on the train after waiting in the sun for 20 minutes. But if you missed it, and the next train comes 4 hours later, you sit in your car, or you sit out there in the sun waiting for the next train. That is exactly what is happening in southern Nevada right now when it comes to taking a bus.

[Senator Lee, continued.] Right now, we have a transportation system that works very well, but the transportation system isn't complete. We have a delivery system, which is the bus shelters that are not working very well. In my neighborhood, on Lone Mountain Road and Camino Al Norte, there is a big desert area that will someday be built upon. We have people who stand out in that blazing hot sun, and there is this little lady that sits out there and waits for the bus. I'm sure she would like to have a car like you have or be able to afford to have someone drive her, but she needs to take the bus. She stands at that bus shelter, which is basically a piece of metal in the ground and a little sign that says "bus stop." If she is really lucky, she can hide behind that sign to get a little shade on her face. That is all the shelter that she gets. She pays as much as the people on the Strip pay to get on the bus, but because she lives out in the hinterlands, she isn't afforded the option of having a bus shelter.

Our great transportation system of the future will carry 3 million people. There will be 3 million people living in the bowl of Las Vegas when it is completely built out. That is 7,000 people per square mile. We have a very poor delivery system for people who need to take the bus. I am not sure if there is a corollary between gas going from \$2 to \$2.50 as to how many more people will ride the bus or not. I do know that the transportation system we are trying to build for the future needs to have a better delivery system of the customer to the bus. A lot times if you run to the bus, there are 15-minute stops and 30-minute stops. Buses don't always run on time, trains don't run on time, legislatures don't run on time. A lot of people get stuck out there and are abused by the weather and inclement winds.

We have a system that says in Clark County, each entity is responsible for the bus shelters. What they do with that municipal option is go out to some companies, and say, "You build our bus shelters, and we will allow you to put a small advertisement there." That advertisement will help offset that bus shelter. Because there are not enough riders at some places, the franchises will not build a bus shelter. They will only put them in places where they can make money. The City then receives funds for allowing someone else to build those shelters through the revenues of the advertising. The cities are doing nothing for this money. Its free money to them by letting them put advertising on a bus station. However, they will tell you that it's costing them money. They are giving nothing for the service.

In Pahrump, a lot of people get hurt on that road and are sent to the hospital here.. If everybody from Pahrump who got sent to the hospital had a quart of blood taken just because they were hurt and we are trying to build up our blood bank, that is a taking; they get that for free. They take that blood and give it to the blood bank or sell it. That is the same thing that is happening here. It is just a taking. They pay nothing for this, they offer nothing for it, but they receive a benefit from it.

[Senator Lee continued.] I am in the plumbing trade. If we had a great water system and ran all the pipes down the streets, but at your property we stuck a little pipe with a hose bib, and said, "there is your water." We have a great delivery system but you have to walk from your house to the front of your property with a bucket to get it. That wouldn't be water system. A water system is when you need a shower, you pull the knob, you get a complete shower, and you get the complete use of that water system. That is what I am trying to accomplish with this bus shelter bill.

A lot of high-powered lobbyists are paid to protect the municipalities. These people will tell you that it's going to cost them money, but I can tell you that when these pit bulls can't do their jobs, they send in these high-powered lobbyists. RTC [Regional Transportation Commission] itself is not supporting this bill. They have come to me and said, "we don't want to get into a turf war." We tried to do a bill with the Contractors Board, and everybody thought it was kingdom-building. They thought former Attorney General Frankie Sue Del Papa was going to enforce some of the laws because the District Attorney wouldn't do some of the stuff we needed in construction. The RTC has in no way pushed me to do this bill. I have done this bill because I think that our transportation system needs to be involved in this.

I have the criteria of what constitutes a bus shelter. This is an email from Sabra Smith-Newby, from the City of Las Vegas. [Senator Lee read an excerpt from [Exhibit C.](#)]

"Visibility of the public for advertising purposes thus justifying the expense to be incurred by the provider. The providers are in business to make money. The only way they can do this is through advertising revenue, and displaying ads on their bus stops. Their criteria to install a bus stop shelter is based on exposure rate to the public, and is an arbitrary judgment call on the part of each provider. They consider traffic flow at key intersections or main street thoroughfares such as Las Vegas Boulevard, Decatur, Sahara, and Tropicana as their core locations.

[Senator Lee continued.] You might work on the Strip, and they love your labor, and you're treating those tourists well, but you are not going to get the same bus ride that those people on the Strip get. We need your body down here, but we are not going to take care of you until you get here, is basically what they are saying, because you don't live in a place where we can make money from bus stop advertising.

These aren't people that I am upset about because they get paid. One of the opponents' arguments is that the shelter has to be located in a high visibility area. Case by case, these are all built upon advertising dollars and visibility. The bus shelters may be installed on a case-by-case basis when a request is made directly to the city or county by the land owner or business. A lot of times developers will put a large master plan in, and the county or city will say they will waive that bus stop. We don't want to be wasting those bus stop sites for future people who need to ride the bus.

In Clark County right now, there are 3,678 bus stops, 517 shelters, and 718 are benches. My goal here today is to tell you that we need bus stops in southern Nevada. We need to protect the constituents who elected you to be here and to give them the same dollar value for their bus token as somebody else would pay on the Strip.

Remember when you were a little kid and you went to the store with your first dime to buy some candy? You didn't want to get cheated by that store owner and not get a dime's worth of candy. What is the difference in somebody paying for a ride to work? Whether you're in a nicer affluent area or in the outskirts, you still need to go to work. You are still paying the same value, and you need to be treated exactly the same.

My goal is to tell you that bus stops are necessary for the future of our transportation system. We could get all of this under the purview of the Regional Transportation system. They have committees in place. A lot of people sit in those committees, such as Ed Guthrie with Opportunity Village. Those poor people go back and forth to Opportunity Village, which is one of many organizations that wanted to speak on this bill; I just thought I would speak to you directly. A lot of people said that this needs to happen. I would like you to consider this bill to see if we can provide a better service in the transportation world that these people have to live in.

Assemblyman Atkinson:

Who would ultimately be responsible for the cost of putting bus stops where just those poles are?

Senator Lee:

Under the new bill, all that responsibility would go to the Regional Transportation Commission. They have advisory groups that would look at this and say "okay, since we now have the responsibility to do this, where do we start?" I am going to encourage them to start at one-hour stops first; go out where people have to wait 45 to 50 minutes for a bus to come, then let's work our way in. I wouldn't care if they built 20 or 30 a year, as long as we started on a process. A lot of cash isn't going to be dumped into this immediately. If the advertising revenues are a stream we can use, I still want to use those.

The genesis of this bill was when I saw that lady at the bus stop. I called the person who was responsible in the City, and said, "We really need to do something about this. Could you see if we could help the people at this intersection out? Kids sit out there and throw rocks and just run crazy out there." That person called me back and said there was nothing we could do about it because it doesn't qualify. I said, "I don't believe that; anything qualifies taking care of these constituents of ours. We are responsible for these people." They said it doesn't qualify because there are not enough people there at a certain time. I won't be told that there is no way to make this happen for my.

Assemblyman Sherer:

How many cars go by there a day?

Senator Lee:

High visibility is just one of those words. I am sure that people who live in my neighborhood shop in that little area. I don't know why a big regional firm would want to advertise on that little shelter. If they can't get the advertising dollars at that location, even if it has the high visibility, they still don't have to put it there. It is based upon case-by-case requests and based on the business of those people making money on it.

I would like to have an opportunity for a rebut when we get to the end of the bill, if there is something that I might be able to rebut.

Elizabeth Lake, University of Nevada, Las Vegas Intern for Senator Heck:

I moved to Las Vegas two years ago from Southern California, and I naively thought I knew what a warm summer was. In August 2003, I went to get my TAM [total alcohol management] card on Decatur Boulevard, north of Russell Road. The bus stop there is also just a sign. I had to catch the bus home at about 2:00 p.m., and a few feet away from the bus stop sign was a telephone pole, the only thing around to protect you from the elements. The bus runs

every half hour; it is not a high population area at that bus stop. I stood next to the telephone pole to get whatever shade I could out of the telephone pole, to protect me while I was waiting for the bus.

When this bill was heard on the Senate side, I called the RTC information line myself and asked them how many bus stops they have, and how many of them are covered, just to see what sort of information was given to the public. I spoke with an operator. She told me they really couldn't say how many bus stops were covered, or even how many bus stops there were, because they didn't have any control over that and weren't involved in that. She said it was the city or the county, or, on the Strip, the casinos owned them. She said that if somebody wanted a bus stop in their area, they could simply tell you that area was covered by the city, or that area is covered by the county, and then it was up to you to figure out who you should contact to ask if you could get a bus stop there.

She said that if you called them to report vandalism, they would forward an email to whoever was in charge of that bus stop. It seemed to me that was an unnecessary middle step. It was making RTC the middle man, when that was the first entity the public would call. When you think bus stop, you think that would be the Bus Commission. Even as fast as email is, if you could speak directly with the person who was going to clean up the vandalism, that might speed the response up by a day.

**Bobby Gang, Legislative Advocate, representing the Nevada Women's Lobby,
Las Vegas, Nevada:**

We feel that this bill serves a population that has no other alternative than to take public transportation. I have lived in Las Vegas for years; I know what it can be like in the summertime outdoors. We do support the bill and hope that you will consider passage.

**Chris Ho, University of Nevada, Las Vegas Intern for Senator Barbara Cegavske,
Las Vegas Nevada:**

I am a native to the Las Vegas area; I was born and raised there. When I first heard about this bill, I was overjoyed. Growing up as a kid, I didn't have a car until I was 18, so I was forced to take the bus. We all know that the temperature in Las Vegas Valley reaches 115 plus. Having to sit on benches to relax before the bus came, I did not want to sit on a 125-degree metal bench that could be broken or have metal pieces broken and sticking out. I told Senator Lee that I would be happy to come and testify in support of this bill.

Last weekend, I was in Las Vegas driving down Lake Mead Boulevard by the Jones Avenue area, and I looked at one of those bus stop covers to find that

the advertisements were missing, and the Plexiglas that was covering it was completely destroyed and lying on the sidewalk. Two days later, I went back to see if anything had happened, and there was nothing; it was still on the ground. There is no telephone number on the bus stop area to notify anyone of the damage. I would have had no clue as to who to call to say, "This place is broken." By putting this with RTC, it gives it a governing area where someone can go and say, "There is an issue at this bus stop, you need to fix it," or, "We would like to have one put in there." I urge your support for S.B. 327.

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

I am a bit familiar with the background of some of the history on this bill, having had the privilege to speak with Senator Lee a couple of times over the last few months. I believe the intent of this bill is to get more bus stop infrastructure in the form of better shelters, more shelters, and more maintenance in the streets. I do believe that Senator Lee needs to be commended for that initiative on his part.

However, I am concerned about this bill for a couple of reasons. The first is that ever since the CAT [Citizens Area Transit] Bus System started in December of 1991, we have had tremendous support from Clark County and the cities that make up the governing board of the Regional Transportation Commission. Every time there is some sort of a development approval before those boards, whether it's a zone change, a design review, or whatever, we are afforded the opportunity to comment on those particular development proposals. Quite often, our feedback to the county and the cities would be, "We need a bus turnout here," or "We need a bus stop shelter installed there," and "Would you please make our comments part of the requirements for approval of these developments going forward." That has been very beneficial for the system to get the bus turnouts and to get the bus stop shelters installed at the locations where we recommend that they be installed. If this bill were to pass, I am concerned that we would not have the professional courtesy that we do today, and that is a big concern to me. It's a big concern to the users of the system, not just the CAT Bus System but the regular roadway network.

I am also concerned from a revenue standpoint. There is only a limited amount of money that can come from advertisements. Ever since the system started, the taxpayers have been the beneficiaries of a system wherein the private sector has borne all the capital costs and all the operations and maintenance costs to have these bus stop shelters and benches placed and maintained in the right-of-way. Should this bill pass, that would no longer be the case. I can't give you accurate figures as to how much the taxpayer burden would be increased, but I think it would be significant.

You heard the testimony from the young man who talked about some of the maintenance standards. We would definitely need to dedicate more resources to the installation of shelters and the maintenance of those shelters. That is a concern to the system and to me because anytime we take resources away from public transit and put them elsewhere, that means we can't put as much service out there in your neighborhoods and your districts.

Jim Spinello, Assistant Director for Administrative Services, Clark County, Nevada:

Among the responsibilities assigned to me is the area of franchise administration. Clark County opposes this bill; however, we do not oppose the intent or the rationale behind it. We believe the desire to have more shelters at more of the stops and to service those stops with these amenities is a good one, and one that we share. We just don't think this is the way to do that.

The basis for the shelters being under the administration and control of the various entities is quite simple: The entities own the rights-of-way. They, as the trustees of their respective publics, are the ones who are in charge of that. We have the liability for it, and we believe that rights-of-way property is valuable property, and that is why we do share, in part, in the revenue of the bus stop shelter companies. They earn money from placing advertisements on those stops. The two companies that we work with are generally cooperative in a case-by-case basis, being able to locate stops and shelters where we need them. The genesis of this is just an unfortunate circumstance.

Given the number of currently unserviced stops, and given an approximate cost of about \$8,000 in capital outlay per bus stop, we could have an unfunded mandate here of about \$10.5 million. That is not the only cost. We talked about the maintenance. The maintenance is not only of the physical facility itself—the shelter and its various structures, and also the electric bill for those that are lighted, and I think almost all are. It's also the ongoing maintenance of the trash collection around them. At some locations, the only public trash baskets on the streets are those attached to the bus stop shelters. All of that collection is maintained by the bus stop shelter companies, and that would have to become a public expense.

Given that there are some constitutional issues and the fact that there are existing contracts, some of which go through 2009, which cannot simply be abrogated by a law, there are some issues. There is the question of who has the liability for these locations, since they still exist on the rights-of-way owned by the jurisdictions. There are various things that would have to be dealt with.

[Jim Spinello, continued.] The economics of this particular amenity appear to have changed and changed fairly dramatically over the last four years. Up until about four years ago, at least in Clark County, we could go to the two companies in an attempt to get at least 50 new sites serviced every year. They would go down the list and pick out the ones each company wanted the most. We have been very lucky, over the last few years, to get them to agree to add 2, 3, or 4 new stops. The reason is quite simple: They are not making the kind of money from the advertising that they once did. If the economy of this were such, they would be beating down our doors for more sites, which is how capitalism works. There is obviously something taking place here.

The desire to serve more stops for Clark County is one that we share. We just don't think this is the right vehicle because the ultimate question here is, "Who is going to pay, and how are we going to pay for that?" If this is going to become a public expense, how, where, and what is the funding source are questions I don't think you can answer in the course of this particular session. Maybe we need something to take a look at the entities and RTC together to come up with a solution that will provide this amenity for those who use the mass transit system so that we can all win from it.

**Gerald Ernst, Member, Older Americans and Americans with Disabilities
Advisory Committee to Regional Transportation Committee, Las Vegas,
Nevada:**

We have been working on a program since September of 2004 because we are acutely aware of the need for the bus stops and shelters that we have been talking about in this bill. We haven't had a bus shelter or bench placed in the last three years. We have a recent promise of 15 more, but that is only a promise as of this date.

The current method of acquisition is pretty flimsy. A good example is the money problem the last franchise holder had. Out of \$248,000 total income for advertising, they had a \$103,000 payment to the entities for the franchise fees. That left them about \$145,000 to run the rest of the business. They could not afford to provide the shelters and the benches that were necessary. *Nevada Revised Statutes* (NRS) 373, entitled "County Taxes on Fuel," was a creation site for RTC. NRS 373, as we read it, gives RTC full responsibility for the development of wheeled mass transit systems.

When defining projects, NRS 373.028 states, "All appurtenances and incidentals, or any combination thereof, including, without limitation, the acquisition and improvement of all types of property therefor." This includes bus shelters, benches, et cetera. The problem is that, because of the various entities, it's like a Chinese fire drill; you have to approach several different

entities before you can understand that they are not going to put any benches up anyway because they don't have the money.

Members of the OAD [Older Americans with Disabilities] Committee believe that RTC is responsible for the development of complete operable systems, which it may operate as a turn-key or lease operation as it chooses. Understandably, the entities that are currently working with RTC wish to keep the revenue that they are getting, no matter how small, from the sale of advertisement from benches and shelters. They express concern for the liability, rights-of-way, and legal consideration. They want the buses going through the system, and if they are concerned about liability of a stationary bus stop or shelter, then they should be concerned about the liability also of the buses.

The OAD Committee has come up with a solution that we believe answers all of the questions that you have heard so far. Because the main, underlying theme is the lack of money and the lack of desire to let loose the money that they are getting, we propose a different way of financing. NRS 244.187 does need to be modified, as Senator Lee points out, but the only modification that we see that as necessary is line 8 of NRS 244.187.

Vice Chairwoman Ohrenschall:

Is this an official issue with your group? Has there been a meeting or vote, or are you making a statement of your own beliefs?

Gerald Ernst:

We have had Committee meetings since September of 2004. We have had work groups since that time, and we have had votes on it. This is basically a presentation of the Committee.

Vice Chairwoman Ohrenschall:

What is the formal name of the Committee, and the dates that they met?

Gerald Ernst:

Older Americans and Americans with Disabilities. We are the advisory committee of RTC in Clark County.

Vice Chairwoman Ohrenschall:

Do you have the dates that you met so that we can identify the passages that you are reading to us?

Gerald Ernst:

These are available. I wasn't aware that I would have to have them at this point.

Vice Chairwoman Ohrenschall:

If you could provide them for the Committee secretary, it would be helpful.

Gerald Ernst:

We are told that of the federal money that RTC gets in Clark County, 1 percent of that money should go to the enhancement of existing systems.

Vice Chairwoman Ohrenschall:

How did you come up with the 1 percent? Is that what your group voted on, or is there a federal guideline?

Gerald Ernst:

It is a mandate from the federal government that 1 percent of what they give should go to the enhancement of systems.

Vice Chairwoman Ohrenschall:

Is that published somewhere where the Committee staff could look at it?

Gerald Ernst:

Yes, it is published, but I was not prepared to answer these questions.

Vice Chairwoman Ohrenschall:

Perhaps you could supply it later.

Gerald Ernst:

One percent of the federal money goes for enhancements. The advertising revenue from the bus shelters themselves was \$103,000. What we are talking about is a way to pay for it without going to the taxpayer. If we were to take a portion of the 1 percent and a portion of the advertising income and combine that, then we can add the shelters as needed, and pay for them as we go along, starting tomorrow.

There is also another way, the Adopt-a-Highway program. There could be an Adopt-a-Bus-Shelter program. The way we have it in our plan is that RTC would collect all the funds and disburse them, minus the actual cost, to the entities to supervise the cleaning, maintenance, and placement of the bus shelters. This would get the shelters going immediately. RTC would be in charge of the whole system, and the entities would not have the bother of, but would have the income from, all the shelters in their district. We feel that, of all the avenues that we have pursued, this is probably the easiest, best, and most expeditious.

[Gerald Ernst, continued.] We ask that you consider S.B. 327 as absolutely detrimental to the taxpayer at large because it doesn't provide any benches or shelters at all. All it says is that it basically wants to provide a monopoly to somebody who is building the shelters and benches. What we are doing here in Clark County is to get the needed shelters and benches without providing a monopoly that has no cost limitations in it. You have heard earlier that we are paying \$8,000—we've heard \$9,000—for placement of each shelter. Actually, in this bill there is no limit to what the cost may be. I ask that you look at some other alternatives, and give us a chance to get our program in action.

Ted Olivas, Director of Government and Community Affairs, City of Las Vegas, Nevada:

We absolutely share Senator Lee's concern from a customer perspective. In a utopian world we would like to have a shelter at each of the bus stops in the Las Vegas Valley. He and I have had a great deal of discussion about this. I am here to testify in opposition to this bill, and I agree with the comments that were made by Mr. Snow and Mr. Spinello. If there are problems, we would be glad to come to the table at the local level with the RTC and the other jurisdictions that are affected by this. We think there are some potential solutions, but we are not sure that we need legislation to fix any problems in this regard.

Assemblyman Atkinson:

How is it determined or what dictates where a bus shelter goes? Is it arbitrary?

Jim Spinello, Assistant Director for Administrative Services, Clark County, Nevada:

I can tell you how we have done it in the past, but there has been a fairly remarkable change over the past several years. This process has a high level of involvement with the folks at RTC, who are involved in selecting the stops. RTC determines where the bus stops are based on their routes. They develop a priority list of the stops where service is the most desirable and then go to the various entities where those stops exist. In the past, we would take the top 50, go to the two companies, and they would select, among those, 25 each, and then go about constructing the shelters and benches. In some cases, you can't put a full shelter in because of the sidewalk space available. How the companies would select the sites most desirable to them was sheer economics. That would be measured by the amount of traffic going by and who would be attracted by that particular advertising. We are also able to steer them on a basis of 1, 2, or 3, and say we really need this site to have service. Generally, our two companies would accommodate us for 2 or 3, but not for 50 sites.

Ted Olivas:

The reason that I deferred to Mr. Spinello on that question is that he is involved with that on a day-to-day basis, and has expertise in this area. The process of the city is exactly the same, and I think it's that way among all the jurisdictions.

Assemblyman Atkinson:

Does the amount of people on that route dictate if we have shelters? There is an ongoing effort in southern Nevada to get people out of their cars and onto the buses. I don't know how you do that when it's so hot, and people can't even sit at the bus stop. I don't know how we can continue to encourage people to take the bus if they don't have a place to sit and wait for the bus.

Jim Spinello:

The list of which stops are prioritized for service, shelter, or benches, is based on ridership of that bus. It's then from that list of those highest-priority stops that the companies determine which stops are most desirable for them, based on advertising. The initial determination of prioritization is by ridership. We share Mr. Atkinson's concern; we think it does require more of a longer-term solution because the question becomes, "How do you pay for it?"

Assemblyman Hogan:

It seems to me that we have taken what is a purely public need felt by riders—by citizens—and decided to what extent that need is met by a purely commercial business set of decision factors. It is certainly convenient to have those shelters provided at little or no cost because of the advertising value. However, it seems there might be a simple approach that could get a better result, and that would be to package several locations and seek bids for the package. You could try to group an attractive, busy site that would be of great value with another site where there is just as good a reason, but it has to do with people's needs for shelter more so than the traffic. If we could get into a competitive situation where we might say, "Here are two really good sites, and here are two remote locations, but there are a lot of people who need shelter, so here are these four locations. We would like the two current providers or an expanded list of bidders, possibly minority- or women-owned companies"—It's always good to expand the competitive base. It wouldn't be purely the commercial value that would be the only determinant. It would be what people most need, combined with somewhere attractive, so that you get the entire number covered at a reasonable cost.

Ted Olivas:

I have not reviewed the contracts, but I have some history with it. About ten years ago we actually did bid them out. That is a possible solution. The way that this bill reads, it talks about having an exclusive franchise. I am not

sure how that plays into what you are suggesting, but that is absolutely a possible solution.

Assemblyman Manendo:

In my district, on Jimmy Durante Boulevard, we always have one or two individuals standing out there, and there are stops within 50 or 75 yards. I understand we can't put in a complete shelter at every stop because we don't have the money. At Boulder Highway and Tropicana Avenue, they have a slab of cement and a bench. Sometimes there are 15 or 20 people waiting; and there is no shelter. Six years ago, we tried to get some in, and the answer was that they could not put in any shelter or upgrades until they developed that parcel of land. That is no answer to tell your constituents. On the other side of Tropicana Avenue and Boulder Highway, we have a bus stop that has heavy customers, and there is garbage there all the time. I have gone out and picked up the trash. It's a mess, and it's dangerous. I don't know what we can do to fix this, but if we have an opportunity, and this is the way to go, then I commend Senator Lee.

Senator Lee:

If you look at the bill, it says, "an act relating to regional transportation commissions; transferring the authority to provide for benches and shelters for passengers of mass transportation from local governments to the regional transportation commission in certain larger counties." There is no other entity; that is where it's going; there is no other group of people that can do it. Currently, there are 44 active fixed routes, and 31 percent are 60-minute frequencies. We have a big need out there.

They mentioned the land. It's not the municipality's land; that's your land. The municipalities are owned by you, the citizens, and it's not their land. Also, \$8,000 for a bus stop? I'll take any of you in as a partner, and you don't have to do a thing. You can be lazy, and I'll still make money at \$8,000 a bus stop.

Since 9/11 [September 11, 2001], advertising went to zilch; bus stop shelters went to zilch. It's not going to work unless people can make money. What you saw today was a great example of the 800-pound gorilla stepping on the Regional Transportation Commission and trying to step on this bill. When this bill passes, it will be no more harm than when we had the 0.25 percent sales tax to get a "straw" to the lake. As soon as it passed, things moved on; we worked. As soon as we pass this bill, it will go to the Regional Transportation Commission and their citizens' advisory group, this will work, and this issue will go on. It is a money issue; it's free cash. I would squirm if somebody was taking my free cash, too, but we have a responsibility to our constituents.

[Senator Lee, continued.] The last thing I would ask you is to remember the little lady sitting out there trying to get some shade. She is a paying customer, and treated so horribly. We have had days where "no Irish need apply," "no jobs for blacks," or "don't come to America if you look like this." The same thing is happening to bus ridership. We are not going to take care of you if you don't come up to the ritzy side of town or the Strip. We have a great opportunity to write something for the future. Long after you and I are gone, long after those city councilmen and county commissioners are making money from this, we are still going to have buses. We are still going to have people riding those buses.

Chairman Oceguela:

We will close the hearing on S.B. 327 and open the hearing on S.B. 472.

Senate Bill 472 (1st Reprint): Revises provisions concerning penalties for failure to secure child in approved child restraint system. (BDR 43-1338)

Senator Dennis Nolan, Clark County Senatorial District No. 9:

Erin Breen in Las Vegas is here to address some of the technical issues with S.B. 472. You will recall during the Seventy-Second Legislative Session we passed the Child Booster Seat bill in conformance with the federal laws, and we were willing to comply with what most of the other 50 states had done on booster seats. There were a few provisions which were not contemplated. Since that booster seat law had become enacted, it was determined that we needed to do a little bit of tweaking with that.

Erin Breen, Director, Safe Community Partnership, Las Vegas, Nevada:

There were two changes to the bill that were put forth in the Seventy-Second Legislative Session, which became three changes once we finished with the Senate Transportation Committee. The first is on page 2, line 41. This was to enable some of the providers, who are currently unable, to charge a fee for their class. What happened is that the Child Passenger Safety Task Force, which is a statewide task force, developed a two-hour standardized curriculum that 27 providers throughout the state of Nevada are now providing to people when they are cited for not having their children properly restrained in a vehicle. There are entities in the state where judges were not allowing the service providers to charge a fee for their service. Each violator requires an average dollar investment of \$30, based on operating and equipment costs, such as the car seats and the materials needed to install them. The statutes require that a violator leave the class with an installed child restraint system that satisfies the provisions of subsection 1. What this means is that their child has to be in a seat that is appropriate for the size and weight of the child and installed per the

child seat manufacturer's instructions. Because of this clause, the providers must have seats on hand, even though those violators are told to bring a car seat with them to class. You may not know that national statistics say that 9 out of 10 car seats are improperly installed in motor vehicles. That is actually about 98 percent in Nevada. The seat may be on a recall list, it may be too old, or have missing parts. The child seats are very expensive, ranging in price from \$20 to \$300 retail depending on the type and model of seat. The providers, by statute, have to provide a proper seat to the violator who shows up for this class. The costs were exorbitant to some of these providers.

[Erin Breen continued.] The first change that we wanted to be in the bill was to allow that the providers can charge a fee for the class. That is what you find on page 2, line 41, where it states "A person or agency approved by the Department of Public Safety to conduct programs of training, and perform inspections of child restraint systems may, in cooperation with the Department, establish a fee, to be paid by defendants who are ordered to complete a program of training. The amount of fee, if any, must be reasonable."

Continuing right on where I left off with the Senate session, "may, if the defendant desires to acquire a child restraint system from such a person or agency, include the cost of the child restraint system provided by the person or agency to the defendant." That came up in the Senate session because Senator Carlton was concerned about assessed fine amounts to the people attending the class, and then having to also purchase the seat. I just read to you page 3, line 2; this has been amended so that the first time offender will pay both the fee for the course, and the agency's cost of the seat. This means, if they charge \$25 for the seat, and it turns out that offender needs a car seat, in addition they also pay the costs—not the retail costs, but the cost to the provider, which is cheaper than they can get in the store for that car seat.

Nevada has millions of tourists; it was getting unwieldy to maintain a program for out-of-state offenders of the child safety seat statute. We requested provisions for people who are cited and who do not reside in the state of Nevada. You will find that change on page 2, line 9, stating, "The courts shall waive the requirements of this paragraph if the defendant is not a resident of the state of Nevada." While they are still required to pay a fine, they are not required to attend the class.

The other change to the bill that was made in the Senate is on page 2, line 17: "for the first offense by a defendant who completes a program of training, described in paragraph (a), waive any amount of the fine, or any amount of the community service if they attend this class; and for a second or subsequent offense by a defendant who completes the program of training described in

paragraph (a), waive any amount of the fine in excess of \$50." The way the statute read, it was the judge's discretion that there was a minimum fine of \$50, and then up to \$500. The judge had the discretion to waive any of that fine over \$50. With the change, on a second offense they must pay the \$50 fine in addition to the fees that are charged for the class, but on a first time offense the judge can waive the fee for the actual citation.

The changes we seek are to allow agencies to continue to provide the service. Last year, in addition to the cost generated by the programs that are borne by the Nevada Office of Traffic Safety, Nevada lost \$600,000 in Federal 157 Incentive Funding. Those funds were lost because, for the second year in a row, the statewide observed seat belt usage rate was 0.1 percent below the national average. We lost the ability to use that 157 incentive money. In addition, in the new appropriation, the reauthorization for the Transportation Bill, we will be losing federal funding that was aimed directly at child passenger safety, which is not in the reauthorization. It will become really important because the Nevada Office of Traffic Safety will no longer have the funds to pay for these child seats that we have been giving out in these classes. In order for the agencies to continue providing the service, they have to be able to recoup their costs.

Assemblyman Carpenter:

What concerns me is when you say that 98 percent of the seats in Nevada are improperly installed.

Erin Breen:

That is true. Installing a child safety seat is extremely difficult. My program, which operates out of the Transportation Research Center at UNLV [University of Nevada, Las Vegas], is one of the providers of this class. I have been doing traffic safety and child passenger safety for nine years. I have not taken the four-day class required for certification to be one of the providers of this class, so I personally hire someone to come in and do it. What was changed in the last session was to add children ages 5 and 6; they are most often in a booster seat, which is the easiest seat to install. There are so many different restraint systems, there are so many different child safety seats, and the configurations of the actual automobile seat make it very difficult for a child seat to be properly installed in a vehicle.

Senator Nolan:

Ninety-eight percent of child seats are improperly installed. That number comes from some of the traffic stops intended to see if you have kids in a booster seat or child protective seat. Some of these certified inspectors will make adjustments in the seat. It might be anything from not having the seat belt strapped correctly to secure the seat, to facing the child forward versus

backwards, to not having the harnesses adjusted on the children correctly. It doesn't mean that just because 98 percent of them are not installed according to the manufacturer's specification, that 98 percent of them aren't doing what they are supposed to do, and that is protect the child's life in the event of a deceleration or an accident. Most people are putting their kids in child safety seats, and , with rare exceptions, that's better than having kids unrestrained or sitting in an adult seat belt.

Assemblyman Carpenter:

In Elko, the Highway Patrol conducts these inspections, and they are very successful. There are all kinds of cars lined up for the inspection. That 98 percent really surprises me.

Chairman Ocegüera:

In North Las Vegas, we do the inspections/installations and we have several guys who are certified. People line up for blocks to get these safety inspections. I would say that the 98-percent figure is accurate, because they fix almost every one of them that comes in.

Assemblyman Hogan:

Are there any circumstances under which a person can be apprehended for failure to have a proper child seat in place is required to purchase a car seat in connection with the punishment for the offense?

Erin Breen:

The statute says that you have to have your child properly restrained in a vehicle. You are asking if we charge them for the child safety seat. We have to make sure that they have a child seat properly installed. They are told to bring a seat with them. If they show up without the seat, we can't let them leave without having a proper child safety seat. Right now, we try to get a fee for that seat. This change will allow us not only to charge \$25 for the class, but the offender will be notified that if they do not have a child seat with them, we will not sign off on their citation to take back to court until they have both purchased that seat at our cost, and had it properly installed by someone who is certified to do that.

Senator Nolan:

If somebody is stopped and doesn't have their child restrained, they are mandated to attend this course and bring a child seat. They go to the course, and if they don't bring that seat, they pay the \$50 fee and get a free seat out of it, which might be a \$60 or \$75 child seat, depending upon what size child they have. The smaller the child, the more expensive the seat, versus the booster seat that can just slide underneath the child. That is what this bill is to remedy.

Chairman Ocegüera:

I have a letter I would like to enter into the record from Department of Public Safety, Office of Traffic Safety ([Exhibit D](#)). They are supporting the measure.

ASSEMBLYWOMAN GERHARDT MOVED TO DO PASS
SENATE BILL 472.

ASSEMBLYWOMAN OHRENSCHALL SECONDED THE MOTION

THE MOTION CARRIED. (Mr. Sherer was not present for the vote.)

Assemblyman Manendo:

We have started to develop a Consent Calendar in Judiciary, and didn't know if you were thinking about adding S.B. 290?

Chairman Ocegüera:

Would the Committee be inclined to put S.B. 290 on the consent agenda?

ASSEMBLYMAN MANENDO MOVED TO PUT SENATE BILL 290
ON THE CONSENT CALENDAR.

ASSEMBLYWOMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED (Mr. Sherer was not present for the vote.)

With no further business, meeting adjourned [at 3:17 p.m.].

RESPECTFULLY SUBMITTED:

Angela Flores
Committee Manager

APPROVED BY:

Assemblyman John Ocegüera, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: April 28, 2005

Time of Meeting: 1:38 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
SB 251	B	David Howard / Dacole Company	Support Data, photos of vehicles with no provisions for front license plates
SB 327	C	Senator Lee	Email regarding bus stop shelters.
SB 472	D	Chairman Oceguela	2 page letter from Department of Public Safety, Office of Traffic Safety.