

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY**

**Seventy-third Session
March 15, 2005**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:35 p.m. on Tuesday, March 15, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dennis Nolan, Chair
Senator Joe Heck, Vice Chair
Senator Mark E. Amodei
Senator Michael Schneider
Senator Maggie Carlton
Senator Steven Horsford

COMMITTEE MEMBERS ABSENT:

Senator Maurice E. Washington (Excused)

GUEST LEGISLATORS PRESENT:

Senator Dina Titus, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
James Puffer, Committee Intern
Lee-Ann Keever, Committee Secretary

OTHERS PRESENT:

Fred L. Hillerby, Regional Transportation Commission of Washoe County
Bryan Gresh, Regional Transportation Commission of Southern Nevada
Derek Morse, Regional Transportation Commission of Washoe County

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Curtis Myles, Deputy General Manager, Regional Transportation Commission of Southern Nevada
Charles Jardin, Carson Area Metropolitan Planning Organization
Mary C. Walker, City of Carson City; Douglas County; Lyon County
Randal Munn, Special Assistant Attorney General, Office of the Attorney General
Kathy Augustine, State Controller
Nancy Dunn, Deputy Director, Division of Tourism, Commission on Tourism
William Bainter, Lieutenant, Nevada Highway Patrol, Department of Public Safety

Chair Nolan said the Committee members would have to provide testimony on pending legislation in other committees. Due to their absences, the Committee might take testimony on any of the matters pending before it as a subcommittee.

Chair Nolan asked for a Committee introduction on Bill Draft Request (BDR) 43-1076.

BILL DRAFT REQUEST 43-1076: Makes various changes relating to franchises for sales of vehicles. (Later introduced as [Senate Bill 189](#).)

SENATOR AMODEI MOVED TO INTRODUCE BDR 43-1076.

SENATOR HECK SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS SCHNEIDER AND WASHINGTON WERE ABSENT FOR THE VOTE.)

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Chair Nolan opened the hearing on Senate Bill (S.B.) 139.

SENATE BILL 139: Changes composition of Board of Directors of Department of Transportation. (BDR 35-718)

Senator Dina Titus, Clark County Senatorial District No. 7, said S.B. 139 resulted from the work she had done with the Nevada Department of Transportation (NDOT) and the priorities set by NDOT.

The Senator said the composition of the NDOT Board of Directors (Board) was unusual in that the Governor, the Lieutenant Governor, the State Controller and the Attorney General all served on the board along with three people appointed by the Governor. The Governor's appointees were required to have an interest in road construction.

Senator Titus said she believed people who knew more about construction and who were more involved in highway construction could be appointed to the Board. She said she understood the Board members rubber-stamped all requests made by NDOT because they did not have construction experience, knowledge or firsthand experience.

Senator Titus stated S.B. 139 proposed to replace the State Controller and the Attorney General as Board members. She stressed their replacement was not a reflection on the current membership. The Office of the State Controller and the Office of the Attorney General did not deal with highway-related matters.

Senator Titus suggested the replacement members could be appointed from the Regional Transportation Commission of Southern Nevada (RTCSN) and the Regional Transportation Commission of Washoe County (RTCWC). Those individuals were accountable to the voters and determined road and highway priorities on a daily basis. She said the new members could provide oversight on NDOT projects.

Senator Titus reported Senator Dean A. Rhoads previously sponsored similar legislation which had not been successful. She said she had not suggested appointing a rural representative to the Board as the Lieutenant Governor in her capacity as a member of the Commission on Economic Development represented the rural interests.

Senator Titus stated Mary C. Walker, City of Carson City; Douglas County; Lyon County, wanted to present the Committee with a proposal that one of the three members appointed by the Governor would specifically be from rural Nevada. She said she thought Ms. Walker's proposal was a good idea.

Senator Titus said the RTCSN and RTCWC supported S.B. 139 and that they were not suggesting any of the current Board members be removed from the Board. Representatives from both regional transportation commissions would offer the Committee information on the merits of having either a RTCSN or

RTCWC member serve on the Board. She noted the chairmen of each regional transportation commission (RTC) rotated on a yearly basis and might not be suitable candidates to serve on the Board. Senator Titus suggested the regional transportation commissions could appoint a person to serve on the Board and represent either the RTCSN or the RTCWC.

Senator Titus said she knew Chair Nolan mentioned tightening up the requirements for the Board's appointees.

Senator Amodei said he had worked with Senator Titus on transportation-related issues and wanted to know what the Senator thought of removing the two statewide-elected officials from the Board and increasing the appointed Board positions with individuals who were more versed in highway-construction matters.

Senator Titus replied that she discussed the bill with representatives from the Office of the Governor who made the same suggestion to her. She said she thought it was good to have members of the public serve on state boards and, perhaps, the qualifications for membership needed to be revised and the membership qualifications made more stringent. The Senator said if Board members were appointed from the RTCSN and RTCWC, the accountability would be greater as those individuals were elected by the voters and had to answer to the voters.

Senator Titus said when a Constitutional Officer such as the State Controller ran for elected office, he or she did not talk about highway-related issues as those issues were not usually associated with a Constitutional Office.

Fred L. Hillerby, RTCWC, introduced Bryan Gresh, RTCSN. Mr. Gresh said the RTCSN's testimony would be presented by Curtis Myles, Deputy General Manager, RTCSN.

Derek Morse, RTCWC, said the RTCWC worked closely with NDOT. He said the vast majority of highway construction in Nevada was being done in the two largest urban areas, Clark County and Washoe County.

He said he thought the bill recognized both regional transportation commissions had experience and expertise which would add to the Board's policy discussions. Mr. Morse noted the RTCWC did not take a position on the

suggestion of removing existing Board members. However, the addition of two Board members from the regional transportation commissions would be a welcome addition to any policy discussions the Board might have.

Mr. Morse explained the RTCWC selected a chairman every year from the membership. He suggested allowing the RTCWC to select a member to serve on the Board. Mr. Morse said the RTCWC supported the other provisions of the bill and asked for the Committee's favorable consideration of the bill.

Chair Nolan asked Mr. Morse whether he could provide the Committee with specific examples of projects which would have benefited from having people with additional expertise serve on the Board. Mr. Morse said the RTCWC's relationship with NDOT was excellent and had improved over the years. He added the relationship depended on communications and would improve further if an RTCWC member sat on the Board. Presently, communication between the Board and RTCWC was filtered between NDOT and RTCWC staff with no direct communication with the Board. As a result, the Board did not always know the views of the regional transportation commissions regarding policy decisions. The policy decisions often impacted those people residing in the urban areas.

Senator Amodei asked whether the communication Mr. Morse referenced would be enhanced by removing a statewide-elected official from the Board. Mr. Morse said he did not have an opinion on that aspect of the bill.

Senator Amodei asked Mr. Morse whether having a regional transportation commission representative fill one of the Board's appointed positions would address his concerns about enhanced communication. Mr. Morse said if the current makeup of the Board were kept and two additional members were added, the regional transportation commissions would have representation on the Board. Mr. Morse stressed the elimination of positions on the Board was not an RTCWC issue.

Curtis Myles, Deputy General Manager, RTCSN, spoke from prepared text ([Exhibit C](#)).

Senator Amodei said he appreciated Mr. Myles' testimony as he had been involved in some of the same issues. The Senator added that he had reviewed minutes from both the Board and the RTCSN over the last four years.

Senator Amodei said he was sensitive to Mr. Myles' concerns over the allotment of highway dollars in a state that was growing at Nevada's rate. He noted Clark County led all the Nevada counties as far as growth was concerned. Senator Amodei stated he looked at the Board's current membership and noted three of the four statewide-elected Board members were from Clark County as was one of the appointed members; having four members of the Board live in Clark County constituted a working majority of the Board.

Senator Amodei stated he hoped the four Clark County members of the Board would be sensitive to the transportation-capacity needs of southern Nevada. He asked Mr. Myles to comment on the need of having additional Board members from Clark County serve on the Board. Senator Amodei said it was an accomplishment for the Truckee Meadows when a statewide-elected official resided in northern Nevada. He noted the expectation was the statewide-elected officials would reside in Clark County.

Mr. Myles said the Senator's question was a good one as many of the statewide-elected officials resided in Clark County. He added the transportation issues and problems in southern Nevada were complex. The residents of southern Nevada would benefit only when a person with experience in highway-construction matters and who dealt with such matters on a daily basis was allowed to serve on the Board. Mr. Myles commented on the fact that transportation was a priority in southern Nevada due to the rapid growth and development.

Mr. Myles reiterated Senator Titus' and Mr. Morse's testimony concerning the statewide-elected office holders not being elected to office due to their transportation expertise. He stated the Constitutional Officers were elected to perform specific statewide duties and would not concentrate on transportation problems.

Mr. Myles explained the transportation problems in Las Vegas were complex with elements which required significant attention to detail. A member of the regional transportation commissions serving on the Board would guarantee those problems could be dealt with daily. A locally elected officeholder would give greater credence to the depth of knowledge the Board members required to make decisions regarding the use of limited transportation funds.

Senator Amodei said Mr. Myles should keep his answer in mind while answering the Senator's next question. The Senator asked if the Board makeup were to be altered according to the provisions of S.B. 139 would the expertise be provided by one of the appointed positions rather than one of the elected positions.

Mr. Myles said the RTCSN supported an elected official from southern Nevada serving on the Board as that person would represent the southern Nevada citizens. Mr. Myles added that an appointed official would not greatly diminish the depth of knowledge which would be provided to the Board. However, an official serving on the Board who had been charged with the expenditure of the funds allocated by the State as well as the expenditure of funds generated in southern Nevada would add creditability to the Board's decisions for southern Nevada. Such a person would answer directly to the citizens of southern Nevada and provide accountability to those citizens.

Senator Amodei wanted to know whether Mr. Myles' answer was yes or no regarding the selection of that particular Board member. Mr. Myles said he believed the position should be filled by an elected officeholder.

Senator Amodei asked Mr. Myles to verify that his answer was that Clark County elected officials had a better daily working knowledge of transportation problems than the statewide-elected officials or somebody appointed under the provisions of *Nevada Revised Statute* (NRS) 408.106.

The Senator read from NRS 408.106, subsection 2, paragraph (b): "Demonstrated expertise in financial matters and business administration." Senator Amodei wanted to know whether appointing a Clark County elected official to the Board would provide a better working knowledge of the transportation issues in Clark County than a RTCSN appointee would. Mr. Myles replied, "No," adding he believed a person currently appointed to the RTCSN would have a better in-depth knowledge of the transportation problems than someone appointed to one of the Board's appointed positions.

Senator Amodei apologized to Mr. Myles by saying his question was not clear. He asked Mr. Myles if an elected member of the RTCSN were appointed to the Board per NRS 408.106, subsection 2, would that appointment give the RTCSN the information, the access and the seat on the Board as described by Mr. Myles in terms of the qualifications. The only difference being the person would be appointed to one of the three statewide-appointed positions rather

than one of the positions held by the elected officials. Mr. Myles asked the Senator if he was asking whether or not Mr. Myles supported a RTCSN member holding one of the at-large, appointed positions on the Board. Senator Amodei said he wanted to know what Mr. Myles thought about a RTCSN member being appointed to one of the elected positions.

Senator Amodei rephrased the question by asking if it would matter to the RTCSN whether the seat was one of the appointed positions or one of the statewide-elected positions as long as the RTCSN was given a seat on the Board. Mr. Myles said the RTCSN did not have a position on either. The RTCSN wanted to have a voice in the discussions held by the Board, whether that mandated creating an additional position or serving in an existing position.

Senator Horsford asked whether section 1 of the bill referred only to the three appointed members of the Board. Mr. Myles replied, "Correct."

Senator Horsford said he served on a citizens' committee for the RTCSN and learned about the complexities of highway planning and the coordination between municipalities within the RTCSN. He asked what effect S.B. 139 would have in improving the coordination between local and state municipalities.

Mr. Myles said the bill would help in two ways. As limited state dollars were allocated, the Board deliberated on the best distribution of those dollars. In some instances, the deliberations would be abbreviated or rubber-stamped by the Board on NDOT's behalf for NDOT programs. He noted there were instances where different municipalities disagreed. Mr. Myles stated the RTCSN members traveled to Carson City on occasion, to talk directly to the director of NDOT about such differences. There had been occasions when the RTCSN members disagreed with NDOT, yet the programs were adopted despite the RTCSN's disagreement. Mr. Myles said if the RTCSN had a voice on the Board, some of the disagreements would be resolved during the Board's deliberation on certain projects.

Mr. Myles said the citizens of southern Nevada complained about road construction and road rehabilitation. Some of the roads under construction were not under the control of local entities as they were owned by the State. Those roads did not receive priority treatment in terms of developing growth which the citizens in Clark County believed should be accorded to them. If the RTCSN had

a voice on the Board, it might be able to convince the State on the importance of reallocating money more appropriately to southern Nevada.

Senator Horsford stated that, based on constituent input, he thought project coordination required improvement in addition to the funding issues and allocation of revenues. He said he would like to see that done.

Senator Horsford asked for the attendance record of the Board's members. He said, based upon the commitments of Constitutional Officers, he wondered whether they were able to fully participate as Board members.

Charles Jardin, Carson Area Metropolitan Planning Organization, said he would not testify on the bill and deferred to Ms. Walker. He said he would remain available to provide technical background if needed.

Ms. Walker said if the Committee voted to include local government officials, then the smaller jurisdictions wanted a level playing field. Ms. Walker presented an amendment to the bill ([Exhibit D](#)), which would make the Board's membership more equitable to the smaller counties with populations under 100,000.

Chair Nolan told those present that Senator Titus had sent him a note informing him that section 2 of the bill could be eliminated. Senator Titus felt the audit mentioned in S.B. 139 was not necessary. The Chair said the Committee would consider Senator Titus' note as a formal request to delete the audit provision of the bill.

Ms. Walker wanted the language in [Exhibit D](#) changed from "... of which one member is a chairman of a regional transportation commission of a county whose population is less than 100,000 ..." to read, "... of which one member is a chairman of a regional transportation commission of a county whose population is less than 100,000 or a chairman of a metropolitan planning organization in an area whose population is less than 100,000" Ms. Walker noted that both Carson City and Douglas County had metropolitan planning organizations. Ms. Walker offered to rewrite [Exhibit D](#) and resubmit it.

Chair Nolan wanted to know whether Ms. Walker had discussed her proposed changes to [Exhibit D](#) with Senator Titus. Ms. Walker said she discussed the proposed changes with Senator Titus who thought it was a good idea. The

Senator had recommended using one of the three positions appointed by the Governor for one of the rural representatives.

Senator Carlton wanted to know whether or not a chairman of a regional transportation commission or a chairman of a metropolitan planning organization could serve in one of the three at-large, appointed positions. The Senator said she considered at-large members to be the public component who were informed. Ms. Walker answered, "Yes," and thanked the Senator for the questions. She said those individuals mentioned by Senator Carlton could serve on the board, but that did not mean they would serve in the at-large, appointed positions.

Ms. Walker said the proposed language change to [Exhibit D](#) was a model that was used by many local governmental statewide committees. She said the rural counties wanted to mandate that they receive the same consideration received by Clark and Washoe Counties.

Senator Carlton asked whether Ms. Walker wanted one of the three at-large members to be appointed from the rural counties as indicated by substituting the language in the statute for the language in the amendment. Ms. Walker replied, "Yes." The Senator asked whether Ms. Walker wanted to add another appointed position to the Board or just wanted a rural representative to serve in one of the at-large positions. Ms. Walker said she wanted rural representation on the Board, not another position added to the Board.

Chair Nolan said the Committee lost its quorum and would continue as a subcommittee. He reminded those present that the Committee members were testifying before other legislative committees. The Chair promised the minutes from the meeting would be available to those individuals who wanted a copy before a work session was conducted on [S.B. 139](#).

Senator Amodei said if he understood Ms. Walker's testimony, Senator Titus did not object to designating one of the three at-large members as a specific rural representative. Ms. Walker replied, "That's correct," and added Senator Titus made the suggestion.

Senator Amodei said he was wondering why it would be acceptable for one of the at-large positions to be filled by a rural representative while the other

two at-large positions on the Board had to be filled by statewide-elected officials. Ms. Walker said she did not know the reason for that provision.

Senator Carlton asked whether the officeholders listed in [Exhibit D](#) would be elected or appointed. Ms. Walker said typically those individuals would be elected, but there could be occasions when they were appointed. She added she thought the rural counties would consider a mixture of elected and appointed officials. Ms. Walker said if the Senator wanted to make it mandatory that an elected official be appointed to an at-large position, she would have no objection. Senator Carlton stated she did not want to exclude anyone in a rural county from serving on the Board.

Randal Munn, Special Assistant Attorney General, Office of the Attorney General (OAG), apologized on Attorney General Brian Sandoval's behalf. He said the Attorney General wanted to attend the Committee hearing, but had a prior commitment in Washington, D.C.

The Attorney General's position was S.B. 139 would change the makeup of a state board which had existed since 1989. Mr. Munn said the wisdom of the makeup was manifest. He stated four Constitutional Officers and three at-large members served on the Board. The majority of the Board consisted of individuals elected on a statewide basis and who were accountable to both the large and rural counties. To the extent the Committee wanted to change the Board, the Attorney General did not have an opinion and would defer to the Committee. Mr. Munn noted the Attorney General opposed being removed as one of the elected officers serving on the Board.

Mr. Mann stated Attorney General Sandoval believed the representation by the Attorney General on the Board was important. Mr. Munn said at any given time, the Attorney General's Office had 80 to 100 transportation cases in various stages of litigation. The insight and experience of Attorney General Sandoval's participation on the Board was invaluable to the Board's decision-making process.

Mr. Munn explained it was expensive to build and maintain roads, including the condemnation issues and litigation which resulted from highway construction.

Mr. Munn requested the Committee not remove the Attorney General from the Board. He reiterated the OAG would defer to the Committee on the issue of enhancing board makeup.

Senator Amodei wanted to know how many of the deputy attorneys general (DAG) were assigned to represent the State's transportation needs. Mr. Munn replied there were approximately 15 DAGs located throughout the State who worked on transportation-related issues and litigation.

Senator Amodei asked how many DAGs were employed by the OAG. Mr. Munn said the OAG employed 145 DAGs. Senator Amodei said the figure represented approximately 10 percent of the OAG's legal staff being dedicated to transportation matters. Mr. Munn replied, "Correct."

Senator Carlton said she wanted to clarify Senator Titus was not playing with the Board's makeup. Senator Titus had concerns about how the Board was comprised and discussed her concerns with a number of people. The Senator said the Committee was not playing with the Board's makeup, but was having a deliberate discussion and debate on the Board's future composition. As the Board was established in 1989, it might be time for the Committee to consider the Board's future.

Chair Nolan asked Mr. Munn whether the Board's rules permitted an alternate to attend Board meetings in a member's absence and whether the alternate was permitted to conduct business on the absent member's behalf. Mr. Munn said he had not represented the Board and was not aware of the Board's rules.

The Chair said staff could research that issue. Chair Nolan said Senator Amodei said the Secretary of State could act as a substitute for any of the elected Board members in their absences. The Chair asked Mr. Munn for information on whether the appointed members were permitted an alternate in their absence.

Chair Nolan asked Mr. Munn whether or not Attorney General Sandoval attended the majority of the Board meetings. The Chair also wanted to know whether the Attorney General was permitted to use an alternate in his absences. Mr. Munn said it was his experience that Attorney General Sandoval did not rubber-stamp any of his duties and attended all Board meetings unless faced with an unavoidable conflict. Chair Nolan said he agreed with Mr. Munn's statement as he had never known Attorney General Sandoval to rubber-stamp

any item or action. The Chair added that the Attorney General wore a number of hats, as did other elected officials; those elected officials often used their assistants to represent them at public meetings.

Chair Nolan said Committee staff would research the question of whether or not the Attorney General was permitted to use an alternate on those occasions he was not able to attend a Board meeting.

The Chair asked Mr. Munn to tell Attorney General Sandoval the Committee appreciated him and Mr. Munn's appearance before the Committee.

Kathy Augustine, State Controller, read from prepared text ([Exhibit E](#)). She referred to the duties of the Board ([Exhibit F](#)) and NDOT's proposed projects for Fiscal Years (FY) 2005 through FY 2014 ([Exhibit G](#)).

Controller Augustine said the figures provided by Mr. Myles concerning the expenditures for Clark County in FY 2005 and FY 2006 were correct. She added from FY 2007 through FY 2014, Clark County had been approved to receive approximately \$2,380,778,810 to fund highway projects. That sum represented the majority of monies allotted for highway projects in Nevada.

Controller Augustine provided Senator Horsford with the Board's attendance roster from January 2000 through September 2004 ([Exhibit H](#)). She added prior to a Board meeting, the NDOT director surveyed all Board members for availability in order to ensure maximum attendance by all members. The meeting sites alternated between Carson City and Las Vegas.

Controller Augustine spoke about the three appointed Board members. She said those members represented the rural counties, Washoe County and Clark County. Controller Augustine said the appointed Board members provided representation for all areas of the State.

Chair Nolan asked Controller Augustine whether or not the Board permitted alternates to attend a Board meeting in the absence of one of the elected Board members. The Controller said she did not know the answer to the Chair's question.

The Chair asked whether or not the Board was the only state agency the Controller was appointed to oversee. Controller Augustine replied all six of the

Constitutional Officers sat on the Executive Branch Board for the Audit Committee. She noted an audit suggested the State Public Works Board consider changing its status from a part-time board who met every three months to a full-time board who met regularly and was staffed much like the NDOT Board.

Chair Nolan asked how NDOT's budget related to the Department of Education's budget. The Controller said the Department of Education's budget comprised more than 50 percent of the State's budget. She could not provide the Chair with an exact figure on NDOT's budget size, but said she thought it had to be one of the larger department budgets. The Controller noted the exact figures would be in the comprehensive financial report her office distributed to all members of the Legislature.

Chair Nolan stated a quorum was present and the Committee would return to a full Committee.

Senator Amodei referred to the NDOT audit report ([Exhibit I](#), original is on file at the Research Library) and addressed a performance audit previously requested by the Legislature. At that time, the request for a performance audit had been vetoed. The veto message contained language to the effect that "... this was a function of the Legislative Commission." The Senator said a performance audit for NDOT was conducted by the Legislative Auditor. Senator Amodei suggested distributing copies of the audit report to the Committee members as it addressed some of the concerns raised during the hearing. The Senator noted Senator Horsford had been concerned about communication, which the audit report addressed. He said the audit report would provide the Committee members with valuable information and background on NDOT.

Chair Nolan said Senator Amodei's suggestion was excellent and requested copies of the audit report be distributed to Committee members.

The Chair said S.B. 139 would be scheduled for a future work session. He directed those individuals who wished to submit additional information to submit it to the Committee staff.

Chair Nolan closed the hearing on S.B. 139 and opened the hearing on Assembly Bill (A.B.) 138.

ASSEMBLY BILL 138: Revises manner in which legal maximum width of recreational vehicles is determined. (BDR 43-613)

Nancy Dunn, Deputy Director, Division of Tourism, Commission on Tourism, read from prepared text ([Exhibit J](#)).

Senator Carlton said she was concerned with a recreational vehicle (RV) being so wide it required more than one traffic lane on the road. She wanted to know how high the awning would be in relation to the RV's height. Ms. Dunn said RV awnings were located at the top of the RV above the windows and rear view mirrors. She noted an RV's mirrors protruded farther out than the awning. Ms. Dunn said the widest awning her office had seen was six inches in width.

Senator Carlton asked for and received verification from Ms. Dunn concerning the fact that an awning would be located only at the top of an RV and would not interfere with the operation of larger vehicles on the road, especially sport utility vehicles (SUV). Ms. Dunn said, "That's correct." Senator Carlton noted she had driven next to large RVs and found it to be scary due to the size of the RV. She said she did not see a problem with the awnings if the awnings were located where Ms. Dunn indicated they would be located.

Chair Nolan said he had the same concern as Senator Carlton. He said he did not think Nevada ever had an issue with RV awnings. He stated his only concern was the mirrors, lights and other safety devices. On some RVs, those devices might be placed lower and closer to the ground and present a traffic hazard if the Committee passed A.B. 138.

Ms. Dunn said she understood the lights, mirrors and other safety devices had been previously exempted from law as they were necessary emergency equipment. She added A.B. 138 exempted only the awnings. Ms. Dunn said she thought there was a maximum width on RVs including the awnings. The maximum width allowed by law was 126 inches which was less than the width of a highway lane.

The chair stated the bill said the legal maximum width of an RV would be 102 inches, excluding safety equipment. He wanted to know whether or not side view mirrors were already exempted regardless of width.

William Bainter, Lieutenant, Nevada Highway Patrol (NHP), Department of Public Safety, said an RV's maximum width for body size was 102 inches; the maximum width of an RV with both side-view mirrors extended could not exceed 126 inches. Lieutenant Bainter said the NHP was concerned by A.B. 138 due to the latitude provided by the bill. He stated RV awnings normally did not exceed six inches in width, but under the bill an RV awning could be 10 inches in width on each side of the RV provided they did not exceed the statutory limit of 126 inches.

Chair Nolan asked for and received clarification from Lieutenant Bainter on the current statute. The current statute provided for a maximum width of 126 inches. The Chair read A.B. 138 to mean that statutory provision would be exempted. Chair Nolan said he wanted the Legal Division staff to review the bill's language and see whether or not he was reading the bill correctly.

Lieutenant Bainter referred to section 5, subsection 6 of the bill and said it would be applicable to a commercial flat-bed truck. He noted such commercial vehicles had come-along winches on each side for which the maximum width would be 108 inches. The list of equipment for a commercial vehicle included door handles, cables and hinges to name a few.

The Chair said he did not have any problems with the bill and it was a well thought-out exclusion to allow awnings on an RV. He stated he wanted to ensure the Committee was not exempting RVs in a way it did not intend. He noted there were occasions when additional safety equipment was added to an RV and he did not want to exclude such safety equipment.

Chair Nolan requested Patrick Guinan, Committee Policy Analyst, review the bill. The Committee would take action on the bill at its next meeting if Mr. Guinan found the bill's language did not exclude the additional safety equipment referenced by the Chair. Chair Nolan said the bill would be amended if the additional safety equipment were excluded. He said he thought the bill could be amended by deleting section 3, paragraph 2.

Senator Carlton asked the width of a highway traffic lane. An unidentified male in the audience answered the Senator by saying, "Twelve feet." She wanted to know the width of a municipal road in Nevada. Lieutenant Bainter told her the average width of a travel lane in Nevada is 12 feet and that 102 inches equated to 8 feet, 6 inches.

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Chair Nolan said A.B. 138's language would be reviewed by the Legal Division staff. The Committee would contact Ms. Dunn and Lieutenant Bainter if Legal Division staff found problems with the language.

There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security was adjourned at 2:47 p.m.

RESPECTFULLY SUBMITTED:

Lee-Ann Keever,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____