

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

**Seventy-Fourth Session
May 10, 2007**

The Committee on Transportation was called to order by Chair Kelvin Atkinson at 1:46 p.m., on Thursday, May 10, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 5100 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Kelvin Atkinson, Chair
Assemblyman Mark Manendo, Vice Chair
Assemblyman David Bobzien
Assemblyman John C. Carpenter
Assemblyman Jerry D. Claborn
Assemblyman Ty Cobb
Assemblywoman Susan Gerhardt
Assemblyman Ed Goedhart
Assemblyman Pete Goicoechea
Assemblyman Joseph Hogan
Assemblywoman RoseMary Womack

GUEST LEGISLATORS PRESENT:

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



STAFF MEMBERS PRESENT:

Marji Paslov Thomas, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel
Christine Henriksen, Committee Secretary
Matt Mowbray, Committee Assistant

OTHERS PRESENT:

Brian O'Callaghan, Detective, Intergovernmental Services,
Las Vegas Metropolitan Police Department
Nicholas Anthony, Program Manager, Legislative Relations,
City of Reno

[Meeting was called to order, roll taken.]

Chair Atkinson:

We will take the bills in order today. We will open Senate Bill 206 (1st Reprint).

Senate Bill 206 (1st Reprint): Clarifies provisions concerning the effect of certain signals exhibited by official traffic-control devices. (BDR 43-66)

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

The purpose of the bill is simple. It is to remove a conflict between the Clark County Code and Nevada statutes which, unknown to us, had been out of compliance with each other for many years.

I always wondered why people were timid about going into an intersection when there was a green arrow. After some research, I found out some people were getting ticketed and some were not. If you do not know the rule, State law says he should not be ticketed, but county rules say he should.

The point of using the left turn arrow is to move traffic smoothly and reduce pollution because a car emits the most pollution when idling. It is a good bill and was amended in the Senate Committee on Transportation and Homeland Security only to clarify why a car has to be completely in the intersection and to define what an intersection is so there would be no questions.

With this clarification we should be able to move a couple additional cars each light cycle. You can envision millions of gallons of gasoline saved over the course of a year if people knew that they are not breaking the law if they were in the intersection while the left turn arrow is green. According to this bill, the

tail end of your car can still be in the crosswalk because the crosswalk is part of the intersection.

[Chair Atkinson turned the gavel over to Vice Chair Manendo.]

Assemblywoman Womack:

The confusion lies when at times the light is green long enough for two or three cars to go through and other times it is not. Who regulates how long those lights stay green? Is there a law that says that so many cars go through or is it done by the amount of cars that are in the lane? How does that work?

Senator Coffin:

It is set for a time; sometimes the computer is set for a specific time of day and/or the direction of the flow of traffic. In Las Vegas, it is mostly the east-west traffic that is given a longer light.

Assemblywoman Womack:

People are afraid to go because ticketing happens when the light starts to change while they are going through the intersection. Is that a problem with the amount of time that is being allotted?

Senator Coffin:

That is something I cannot control. It is a common sense thing that if they are in the intersection, they are okay, and will not get a ticket, so they can keep moving. It is a relief to people because some people moved here from other areas where it was against the law.

Vice Chair Manendo:

Would this prohibit or override a local ordinance?

Senator Coffin:

It would. The ordinance was enacted in contravention to state law. This clarifies it.

Assemblyman Hogan:

On page 3, line 21 it says, "Where the signal is a green straight-through arrow alone." That is kind of a conventional situation with no turns involved, and further says "Vehicular traffic facing the signal may proceed straight through, but must not turn right or left." My understanding is that you can make a right turn on red or green if it is that kind of a straight-through signal. There is a period after "right or left." If that were freestanding, it would be contrary. Then it says, "Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent

crosswalk at the time the signal is exhibited." I am concerned in trying to clarify this for everyone to better understand it. That particular paragraph may be confusing or technically incorrect if it is legal to make a right turn after ensuring no one is competing with you for that lane.

Senator Coffin:

That is in the existing law. I have seen circumstances where the vertical green arrow indicates a straightforward movement only. It happens when there is an extra berm put up to control traffic so people cannot make turns to obstruct traffic passing through. There are some near malls, like the one in Las Vegas at the Meadows Mall on Valley View, as well as on the street that runs east/west next to the mall. They have busy roads and there is a left-turn-only lane and a straight-through lane with a green arrow instead of a traffic light. The right-hand lane proceeds as usual because there is no stop sign and no red light. The lane with a vertical green right arrow is to keep cars from turning left or right because they would interfere with traffic.

Assemblyman Hogan:

The green arrows are totally distinct. It is an entirely different signal from a plain green light. We do not see them often but it may be correct.

Senator Coffin:

I have seen them in a couple of places, but they are not common.

Assemblyman Goicoechea:

Those lanes are seen more in the rural areas. You will see them in places like Fallon. There truly is not a left turn lane.

Brian O'Callaghan, Detective, Intergovernmental Services, Las Vegas Metropolitan Police Department:

We support this bill.

Assemblyman Claborn:

Where do you encounter these roads? Are there streets like that in Las Vegas?

Brian O'Callaghan:

Are you talking about the roads with the straight arrow traffic lights?

Assemblyman Claborn:

Yes, where do you encounter these roads? I do not remember seeing one of these lights. Are there any in Las Vegas or Clark County?

Brian O'Callaghan

There are a few. I can think of one, Paradise Road, but you can make a right turn coming out of the airport even if you see the straight arrows. There is a lane provided, but if it is not provided, you cannot make that turn. You cannot make a left turn when the arrows are going straight, but you can turn right onto Tropicana toward Maryland Parkway.

Assemblyman Claborn:

There is another intersection like that at Lamb and Interstate 15.

Brian O'Callaghan

That is correct. That is a brand new one.

[Chairman Atkinson stepped out.]

Vice Chair Manendo:

We will close the hearing on S.B. 206 (R1).

We will open the hearing on Senate Bill 394 (1st Reprint).

Senate Bill 394 (1st Reprint): Makes changes relating to certain traffic violations. (BDR 43-991)

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

Senate Bill 394 (1st Reprint) is a culmination of a number of bills that were presented this session. A request was made for us address the significant traffic problems we are having in the urban areas of the State. It may not be as much of a problem in the rural areas, but as the Governor alluded to this afternoon, traffic congestion is almost gridlocked in some situations. There seems to be a real disregard for the well-being for others from our newer residents of this state. The incidents of reckless driving are out of control.

[Chair returned.]

For example, in southern Nevada, one can drive on any given day and see individuals sit at a red light, look to see if traffic is coming, and then run the light. The person in the car behind that driver will do the same thing. We have people driving through construction zones. The barriers are placed on site a day in advance and if there are not people working, people will drive through the zone. On Interstate 215 people drive in the emergency lanes when traffic is at a standstill.

The bill provides for specific penalties related to the status of offenders. Many of these reckless people are repeat offenders. If they repeat the same offense, they receive the same citation and penalties as before, which are not that significant.

The first-time offender is punished by a fine of not less than \$250 and not more than \$1,000, which is set in statute. The only change would be that rather than just a cap of \$1,000, the first-time fine for reckless driving would be a minimum of \$250. A second-time offense would be punishable by a fine of not less than \$1,000 but the maximum remains the same. If the same individual did not get the message that reckless driving is not an acceptable behavior, that person would receive a penalty of not less than \$1,500 for a third offense. Please note that regardless of the offender's status, the penalty may include both fine and/or imprisonment of not more than six months, which is already in statute. The bill also increases the maximum term of imprisonment from 15 to 20 years and potential fines from \$10,000 to \$50,000 for refusing to stop a vehicle, or eluding a police officer which results in a death or bodily harm to another person.

The genesis behind this is that there have been a number of accidents when individuals have evaded the police attempting to stop them for any number of offenses. These evasions result in high-speed chases through the community and in a number of cases end in fatal collisions. The consensus and testimony on this bill was that the penalty for that type of behavior resulting in a death should be more than what is currently on the books.

The bill also provides that if a driver refuses to stop or eludes the police while under the influence, the eluding offense is to be punishable as a category D felony. As the statutes are now set up, especially in regards to repeat driving under the influence (DUI) offenders, if a DUI offender is involved in an accident and arrested for another DUI, the penalty is not as severe as if he is involved in an accident to evade the police. I have seen this on two separate occasions in southern Nevada; both DUI drivers struck telephone poles. The reality, for repeat offenders, is that the penalty for leaving the scene of an accident is less than it would be for receiving an additional DUI.

Currently the offense of reckless driving resulting in a death or substantial injury to another has a maximum fine of \$5,000 and discretionary imprisonment for a period of one to six years. The bill provides a minimum fine of \$2,000 and a minimum mandatory term of imprisonment of no less than one year. Again, the imprisonment term would be the same as it currently stands; and there is a minimum fine, which does not exist at this time.

Finally, S.B. 394 (R1) provides that a person convicted of two or more moving violations in unrelated incidents within a 12-month period must appear in court. This addresses repeat offenders who like to use "ticket fixers." There is no incentive for them to appear in court personally because they have the financial means to go to a ticket fixer. For example, in last Sunday's newspaper there was an advertisement of a service taking care of speeding tickets. Repeat offenders who use these services just have to write the check and never appear in court for their actions.

The bill makes a number of changes in statute. We condensed a number of bill draft requests (BDR) into this one bill, which is why it addresses a number of situations.

Assemblyman Goedhart:

Page 9, Section 10, subsection 2, says if one has already been convicted of two violations and then is subsequently arrested or issued a citation that it would be solely on the third offense then within the 12-month period.

Senator Nolan:

That is correct. If one gets a third moving violation within a 12-month period, unrelated to the first two, then one cannot use a ticket fixer, one must show up in court. If one has a ticket fixer, who in some cases is an attorney and wants to show up with one, that is fine, too. He must make a personal appearance before a judge.

Assemblyman Goedhart:

Where in the legislation did you make the change for leaving the scene of an accident involving a driver under the influence?

Senator Nolan:

That is on page 6, line 20, Section 7, subsection 5:

If the driver of the motor vehicle is convicted of a violation of *Nevada Revised Statutes* (NRS) 484.379 arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony

The punishment would be the same as a DUI. It says if you are drunk and get into an accident and run away, leaving the scene of an accident is no longer a misdemeanor; it has the same penalty as being a drunk driver being involved in an accident.

Vice Chair Manendo:

Could we get clarification from Legal? On page 9, the way I read it, it is for the second violation you would have to appear in court. Is that correct?

Sharon Wilkinson, Committee Counsel:

It says "A person who has been convicted of two or more," so on your third offense you would have to appear in court.

Vice Chair Manendo:

The second one you would not have to appear.

Senator Nolan:

There were some proposed amendments, but no real opposition to this bill.

Vice Chair Manendo:

We will close the hearing on S.B. 394 (R1) and bring it back to the Committee. We will go into the work session.

[Assemblyman Atkinson reassumed the Chair.]

Chair Atkinson:

We are going to go to Senate Bill 43 (1st Reprint) because there is a conflict with S.B. 43 (R1) and Senator Nolan's Senate Bill 394 (1st Reprint). Our legal analyst is going to point out the problems.

Senate Bill 43 (1st Reprint): Revises provisions relating to an unauthorized speed contest on a public highway. (BDR 43-435)

Sharon Wilkinson, Committee Counsel:

Both S. B. 394 (R1) and S.B. 43 (R1) amend the current reckless driving law. Senate Bill 394 (R1) is on page 8, and S.B. 43 (R1) is on page 6. Both bills provide for minimum penalties, but the penalties are different. For example, in the bill Senator Nolan just spoke about, S.B. 394 (R1), the minimum penalty for a first offense is \$250, and in S.B. 43 (R1) the minimum penalty would be \$400. In S.B. 394 (R1), the penalty for a second offense would be not less than \$1,000 and not more than \$1,500; in S.B. 43 (R1), the penalty would be not less than \$750 and not more than \$1,000.

Chair Atkinson:

We are either going to have to convince the Senator to change his fees or the City of Reno to change theirs.

Nicholas Anthony Program Manager, Legislative Relations, City of Reno:

We have not made those changes at this point.

Chair Atkinson:

Please talk to Senator Nolan about it. Then we will amend one of the bills.

Nicholas Anthony:

His bill applies to both reckless driving and speed contests. Our bill only applies to speed contests.

Chair Atkinson:

Are we okay now?

Sharon Wilkinson:

We still would not be okay because under Senator Nolan's bill the penalties for reckless driving and a speed contest are the same: misdemeanors. The difference still needs to be worked out.

Nicholas Anthony:

I would be happy to work with the Senator.

Chair Atkinson:

Then we will bring the bill back.

Assemblyman Manendo:

I like Senator Nolan's language and bill. I do not know how the City of Reno would feel using his language instead of their language.

Nicholas Anthony:

I assume you are talking about the fine portion because we also included the driver's license. We have a mandatory fine of \$400 for the first offense, which is a bit steeper. Senator Nolan's bill is permissive but gives a broader range, starting at a mandatory \$250 and going up to \$1,000, and for a second offense \$1,000 is the mandatory minimum. We would be amenable to that.

Assemblyman Goicoechea:

With the amendment offered on S.B. 43 (R1), one could get the 15-day impoundment. How will that work? In Senator Nolan's bill we are talking about speed contests. Will that also roll into the amendment in S.B. 43 (R1)? While you are discussing it with him, make sure it all fits.

Nicholas Anthony:

Yes, that would be my understanding. The existing provisions, under S.B. 43 (R1), relating to impoundment, community service, et cetera, would stay the same. We would only be replacing the fine portion with Senator Nolan's fines, as it relates to a speed contest and not for reckless driving. We would be raising the threshold for a speed contest. We would be okay with that.

Chair Atkinson:

We are going to have to work it out between both parties. I think we have a possible solution and we will share it with you, but it will still involve both parties and both bills.

Assemblyman Goedhart:

Would it be possible, while you are matching the Senator's fines, to specifically separate a speed contest from reckless driving? Everyone will work toward that, correct?

Nicholas Anthony:

That is correct.

Assemblyman Claborn:

I like the 15-day mandatory impoundment amendment, which takes the vehicle away from those speedsters. A fine will not do it. I would support your bill if you put that amendment in.

Chair Atkinson:

That is my amendment and I assure you I am going to keep it in there. We will bring S.B. 43 (R1) back next week. We will go to Senate Bill 17 and let Ms. Thomas explain.

Senate Bill 17: Revises provisions relating to certain special license plates for veterans of the Armed Forces of the United States. (BDR 43-68)

Marji Paslov Thomas, Committee Policy Analyst:

[Read from work session document ([Exhibit C](#)).]

ASSEMBLYMAN MANENDO MOVED TO DO PASS
SENATE BILL 17.

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Atkinson:

Assemblyman Manendo will take the bill to the Floor.

Senate Bill 39: Revises provisions relating to the limitations on the length of certain vehicles. (BDR 43-590)

Marji Paslov Thomas, Committee Policy Analyst:

[Read from work session document ([Exhibit D](#)).]

Assemblyman Claborn:

The law was you could go to a length of 72 feet on vehicles like this. I am sure this was put together for the United Parcel Service (UPS) trucks that travel with their three trailers. Would that apply to two trucks pulling a speedboat behind? I do not remember anything about it.

Assemblyman Goicoechea:

It is when you have one tractor pulling two trailers. You are pulling them piggyback.

[Marji Paslov Thomas showed a picture to demonstrate.]

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
SENATE BILL 39.

ASSEMBLYMAN GOEDHART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Atkinson:

Assemblyman Goicoechea will take the bill to the Floor.

Senate Bill 175: Revises provisions governing the contents and use of license plates for motor vehicles. (BDR 43-645)

Marji Paslov Thomas, Committee Policy Analyst:

[Read from work session document ([Exhibit E](#)).]

Chair Atkinson:

I see there is no fiscal note. Is there any discussion on the bill? [There was none.]

ASSEMBLYMAN CARPENTER MOVED TO DO PASS
SENATE BILL 175.

ASSEMBLYWOMAN GERHARDT SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Atkinson:

Assemblywoman Womack will take the bill to the Floor.

Meeting adjourned. [2:36 p.m.]

RESPECTFULLY SUBMITTED:

Christine Henricksen
Committee Secretary

Rachelle Myrick
Transcribing Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: May 10, 2007

Time of Meeting: 1:46 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 17	C	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Document
S.B. 39	D	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Document
S.B. 175	E	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Document