

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

**Seventy-Fourth Session
February 15, 2007**

The Committee on Transportation was called to order by Chair Kelvin Atkinson at 1:33 p.m., on Thursday, February 15, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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:

Assemblyman Joseph P. Hardy, District No.20

STAFF MEMBERS PRESENT:

Marjorie Paslov Thomas, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel



Christine Henriksen, Committee Secretary
Matt Mowbray, Committee Assistant

OTHERS PRESENT:

Chuck Abbott, Highway Safety Coordinator, Department of Public Safety
Robey Willis, Nevada Judges Association
John Tatro, Nevada Judges Association
Edgar Roberts, Administrator, Motor Carrier Division, Department of Motor Vehicles
Paul J. Enos, representing Nevada Motor Transport Association
Gary Milliken, representing the Las Vegas and Nevada Chapters of the Association of General Contractors
Scott Konnath, representing Kids About, a Safety Coalition and Nevada Parent Teachers Association
Dr. Craig Kadlub, Director, Government Affairs, Clark County School District
Michael Geeser, Media/Government Relations, California State Automobile Association, AAA, Nevada
Joshua Martinez, Detective, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Tim Kuzanek, Lieutenant, Administrative Services Governmental Affairs, Washoe County Sheriff's Office
Traci Pearl, Seat Belts and Pedestrian Safety, Office of Traffic Safety, Department of Public Safety

Chair Atkinson:

[Meeting called to order. Roll called.] Today we have a hearing on four bills. We are going to take Assembly Bill 64 out of order because some people in Las Vegas will have to leave for another meeting. We are going to take their bill rather quickly. I am sorry we did not have a chance to reprint the agenda.

Assembly Bill 64: Makes various changes concerning the enforcement of a court order to complete certain training when a defendant failed to properly secure a child in a child restraint system in a vehicle. (BDR 43-268)

Chuck Abbott, Highway Safety Coordinator, Department of Public Safety:

Judge Tatro and Judge Willis are here with me. We suggest to the Committee that we convene at a workshop to work out some of the language on this particular bill. When the bill was first submitted, the Department of Public

Safety (DPS) was not consulted when some of the language was being drafted. I was approached outside by Judge Tatro and Judge Willis, and we concluded that there are some issues that need addressing in this bill. With an amendment to be proposed by the two judges, we feel it could probably be worked out best if we did this in a workshop rather than in front of the full Committee.

Chair Atkinson:

Okay. Are you saying you do not want to present the bill today?

Robey Willis, Nevada Judges Association:

With me, of course, is my partner, Judge Tatro. We are the two lower court judges in Carson City. We had some real concerns with this bill after last session. There are some things that have been unworkable, such as not knowing the jurisdiction. Clark County really had problems with it, with people attending, or not attending the training. The President of our Judges Association was Cedric Kerns, Municipal Judge from Clark County, Las Vegas. When we were at our meeting a year ago January, when his term was about to end, he had his secretary call the six schools in Las Vegas. Five of them were either discontinued, or he got a recording. At one school, the secretary did not know the next time they would meet. We were all concerned about putting out a warrant if a person did not comply because that left the local government vulnerable to lawsuits if people were arrested but could not attend, or if they did attend, notification of their attendance was not made to the DPS. That is why we submitted this bill. After talking to Chuck Abbott in the hallway, John Tatro and I felt that we could try to work this out so it does not hit DPS or us as hard fiscally as it has. I do not know. John, you might have something more to add to this.

John Tatro, Nevada Judges Association:

I concur with Judge Willis and Mr. Abbott. We would like to pull it and send it to a workshop, if we could. It would be better for all of you if we came back with something that we all agree is a functioning, good bill.

Chair Atkinson:

We are going to have you work with staff and try to schedule some type of work session so we can bring it back. We have more people signed in to speak on A.B. 64, but they are not sure if they want to speak at this time since we are moving the bill to a work session. I will call the two individuals who have marked that they wanted to speak. Is Michael Geeser or Traci Pearl here? [They declined to speak at this time.] Is there anyone in Las Vegas who would like to speak in favor or against A.B. 64? [There were none.] I would like to state for the record that we have a letter ([Exhibit C](#)) from the Honorable Stephen Dahl in Las Vegas. He submitted a letter from the North Las Vegas

judges. He wanted to go on record in support of A.B. 64. We will submit that to the workshop and to the Committee as well. We need to close the hearing on A.B. 64 and open the hearing on Assembly Bill 5. Dr. Hardy?

[A letter from Judge Tina Brisebill, Pahrump Justice Court, not read but submitted as testimony ([Exhibit D](#).)

Assembly Bill 5: Revises provisions relating to the registration of certain heavier motor vehicles. (BDR 43-528)

Assemblyman Joseph P. Hardy, District No. 20:

I will give you the genesis of A.B. 5. The Department of Motor Vehicles (DMV) has been trying to facilitate the flow of registrations, thereby helping the stakeholder get in and out of the DMV in a timely manner, without undue burden on the human resources of DMV. Since about 1999, there has been a steady push to have "staggered registrations" in the DMV, particularly for the large vehicles greater than 26,000 pounds and the trailers that go with them. As statute is now, the registration has to take place before "the end of the calendar year," by December 31.

This particular bill had different attachments at different times, which were onerous to some; the concept of staggered registrations did not take place. Knowing that, I decided to do something that does not have any attachments, so I prefiled A.B. 5. After I prefiled it, Edgar Roberts from the DMV, who is here with me, called me and told me that the bill had some flaws and a fiscal note because of the date of implementation. In talking with Legal [Division], I learned there is now an asterisk on your copy of A.B. 5. The asterisk means that the prefiled bill was changed so as to reflect a new start date and to include trailers in the staggered registration.

This bill is the mirror image of Assembly Bill 39. In the process of going through this staggered registration, it became apparent that special mobile equipment (SME) had not been captured in the registration process. SME, in this case, applies to concrete pumpers, self-propelled drill rigs, and self-propelled cranes that travel 70 miles per hour (mph) on the freeways and highways, but do not pay any registration fees. The theory was if we have a staggered registration priority, it will make DMV's life easier and the Nevada citizens' lives easier. We would have a bill that would be pristine and clean and would go forward. The bill I am sponsoring would be available for amendments. My bill will have an amendment, and hopefully, you have a copy of the proposed amendment ([Exhibit E](#)) for A.B. 5.

If you have your copy of A.B. 5, you will notice there is a fiscal note that was in the pre-asterisk version of A.B. 5. The asterisk version extends the date to 2009 in order to eliminate the state financial burden. The implementation of this bill will not create any more work for the DMV and their computers, thus eliminating the burden that the financial note may indicate. You cannot remove a financial note, at least I could not. There may be a financial note coming, saying there will be no fiscal problem with this particular bill. You should look for that in your work session. The bill, in essence, staggers the registration by regulation. If you look at page 1, we strike the language, and on page 2, we put into regulation terminology to stagger, and word the rest of the statutes that deal with registration of large trucks and their trailers. The staggered registration will not only ease the process of reregistration, but also the flow of revenues from the registrations. I took the liberty of talking to Legal again on this particular bill, and I would refer you to the text under EXPLANATION. There is a sentence that starts with "Amend the bill..." I would have you delete everything in that sentence after "amend the bill" and add "to add registration of SME."

Chair Atkinson:

One second, Assemblyman Hardy, is everyone there? Just making sure.

Assemblyman Hardy:

The sentence will then read "Amend the bill to add registration of SME." In talking to Legal, they are not anxious for us to add or delete sections, because they will have to change the sections. They will put them in a different order, according to the legal wording. The gist of the friendly amendment to A.B. 5 is this particular document. I have experts to explain what SME is. The bottom line is SME has a definition in the federal statutes that we, in Nevada, need to adopt to comply with federal highway regulations. As we are now noncompliant, this amendment would be good for capturing registration money from the big rigs using our highways. They would now be paying into the maintenance of those highways and county roads, and putting us in regulation compliance with the federal government. Edgar Roberts can show you a PowerPoint presentation on the concept of the SME, per your approval, Mr. Chair.

Edgar Roberts, Administrator, Motor Carrier Division, Department of Motor Vehicles:

The Department, having worked with Assemblyman Hardy and the industry, is pleased to speak to you today regarding the friendly amendment to A.B. 5. Originally, A.B. 5 was also a motor carrier bill, as is A.B. 39, to stagger registration. It has been amended to mirror A.B. 39, the Department's stagger registration bill. This friendly amendment will amend A.B. 5 by adding the

concepts of sections 1 through 5, revising the provisions relating to the definition of SME, and requiring [the] registration of vehicles that do not meet the Federal SME definition. It will allow the Department to update the definition of SME in *Nevada Revised Statutes* to conform to the federal definition of meeting the eligibility requirements for SME. This change will specify that SME must meet eligibility tests and Federal definitions as identified by Treasury Regulations 48.4041 [26 CFR 48.4041]. It also specifies that SME does not include vehicles that are capable of driving or traveling at sustained speeds of 25 mph or more, have highway-rated tires, travel in excess of 7,500 miles per 12-month period, or travel long distances on the highway. Those vehicles currently designated as SME with the Department that do not meet this requirement will have to be registered with the Motor Carrier Division.

The Department has developed a PowerPoint presentation ([Exhibit F](#)) to clarify what is, and what is not an SME. At this time we can proceed with the presentation. [Read from prepared text in PowerPoint.] Do I have any questions on SME?

Chair Atkinson:

Thank you, Mr. Roberts, for your thorough presentation. The members have a good idea of heavy motor vehicles now. Do any of the members have questions?

Assemblyman Goicoechea:

I need to go back to one of the heavy use requirements, the 7,500 miles per year. Does that exempt you if you have a vehicle that meets some of the other criteria, but does not travel 7,500 miles a year?

Edgar Roberts:

Yes, if you travel less than the 7,500 miles, this is an exemption. As proposed, there is some ambiguity on whether it is SME or not. The current amendment allows the Director to review the information submitted and make a determination.

Assemblyman Goicoechea:

Would a person have to appeal to the Director? What would you need to prove that you did not drive the vehicle 7,500 miles?

Edgar Roberts:

All SME users must fill out a form and submit photos and examples to justify it as an SME. In addition, it has to meet the qualifications of an SME, and the Department reviews the information submitted.

Assemblyman Goicoechea:

Do these vehicles have speedometers?

Edgar Roberts:

You are required to have a working speedometer if you are on the highway.

Assemblyman Goicoechea:

We are talking about SME, and therefore, they might not, especially tractors or road graders. I know they do not meet the criteria because of the highway tires, but there are some that do. I am going to use an example of farm implements, say a harrowbed capable of traveling more than 25 mph for sustained distances. It is definitely not a highway vehicle, but we do see them on the highway. Again, I am coming from a rural perspective. I know they come from the factory equipped with speedometers, but I defy you to find one that you can tell how many miles it ran in a year.

Edgar Roberts:

Farm tractors and implements of husbandry, as defined, are not subject to registration for use on the highway per *Nevada Revised Statutes* (NRS) 484.059 and NRS 484.071.

Assemblyman Goicoechea:

That would still be in place. We would not try to lump these back into SME?

Edgar Roberts:

That is correct.

Assemblyman Carpenter:

My understanding is that a harrowbed [truck] would be exempt. Is that right?

Edgar Roberts:

Correct. Per NRS 484.059 and NRS 484.071, farm equipment and implements of husbandry are not subject to registration if used upon the highways. In addition, *Nevada Administrative Code* (NAC) 484.527 allows permits for movements of implements of husbandry and farm equipment, at no cost to the farmer.

Assemblyman Carpenter:

What if I had an old water truck that never went over 7,500 miles, and had a speedometer would it qualify as an SME?

Edgar Roberts:

Water trucks are not designated as SME because they carry a commodity.

Assemblyman Carpenter:

They would have to be licensed?

Edgar Roberts:

Yes, you would have to license them or get a permit to operate them on the road.

Assemblyman Goicoechea:

I had a couple of constituent calls on this when it started. Some people have an old crane that is modified as a truck. Pulling Murray Summit, it would not be capable of 25 mph. It would probably be lucky to make 15 [mph]. I realize that, in itself, would be a citable offense, but there was some concern on the modifications, even though it was formerly on a truck chassis. Some of the bigger mobile cranes are capable of a sustained speed of 25 mph. How far do they have to sustain 25 mph, 100 yards?

Edgar Roberts:

Regarding the vehicle you just mentioned, it does have to meet the Internal Revenue Service (IRS) specifications of what is defined as a vehicle. In your packet ([Exhibit F](#)), at the very end of the presentation, there are federal regulations and also the IRS statutes pertaining to highway vehicles and what is allowed for a highway vehicle.

Assemblyman Goedhart:

We all live out in the rurals, and we have a lot of those vehicles going up and down the road. What we have, besides a harrowbed, is basically a tractor truck that is licensed. We have a special vehicle pulled behind the tractor loading alfalfa green chop that we immediately take back and feed to the cows. We have been told by our local sheriff's department that it meets the specific one-purpose need as designed for animal husbandry. While the tractor itself is licensed and registered, we have been of the opinion, and have been told by local law enforcement and the local Nevada Highway Patrol (NHP), that it is a unit of animal husbandry. What would your opinion be on combining this with the new federal regulations?

Edgar Roberts:

What you are defining are implements of husbandry which would be exempt from registration fees. The NAC 484.527 allows for a permit to move that type of vehicle on the road at no cost to the farmer.

Assemblyman Goedhart:

What we have been doing is not getting a permit. We have been going up and down the road to the fields within three to five miles, picking up that fresh cut alfalfa and spitting it out in front of the cows, so to speak. The tractor and the truck body are licensed, registered, and insured. That special purpose trailer does have highway tires. You get into many of these difficult gray areas.

Edgar Roberts:

This would still be classified as an implement of husbandry for the farm equipment you mentioned. The NAC 484.527 has been in effect since 1970, and there is no cost to the farmer. The Department will issue the owner an annual multiple-trip permit for the movement of this type of vehicle.

Assemblyman Goedhart:

It does not create a new set of hurdles for the farmers?

Edgar Roberts:

We do have that allowance of a permit at no cost to the farmer in the regulations.

Chair Atkinson:

Are there any more questions from the Committee? [None.] We would like to thank the three witnesses at the table. Do you have anything else to add Assemblyman Hardy? We have one more person who signed in to speak for the bill. Mr. Enos? Mr. Roberts, you can stay there if you like, there might be questions.

Paul Enos, CEO, Nevada Motor Transportation Association:

We are here to testify in favor of the bill in its original form. However, since the bill is now amended, we are here to say we have no opposition to that amendment.

Chair Atkinson:

Any questions for Mr. Enos? [There were none].

Gary Milliken, representing the Las Vegas Chapter and the Nevada Chapter of the Association of General Contractors:

We were in favor of the original bill. We worked with Mr. Hardy on it, and we are also in favor of the amended version.

Chair Atkinson:

Is there anyone else who would like to speak in favor of A.B. 5? Anyone in Las Vegas? [There were none.] We will now move to the opposition. Anyone in opposition to A.B. 5? [There were none.] We will now move to anyone who is here neutral for A.B. 5. [There were none.]

I would like to commend the DMV and Mr. Hardy for working on this bill prior to this Committee hearing. I appreciate it and I am sure the Committee members appreciate it as well.

The bill that we are about to hear next is Assembly Bill 39. We will understand why there seems to be two identical bills. Because the bills are the same, we will have to request a fiscal note on it. If there is no more testimony, we are going to close the hearing on A.B. 5 and open the hearing for A.B. 39.

Assembly Bill 39: Revises provisions relating to the registration of certain heavier motor vehicles. (BDR 43-619)

Edgar Roberts:

The Department, working with industry, is pleased to speak to you today on A.B. 39. The Department is also working with the Nevada Motor Transport Association and the Associated General Contractors organization. We would like to thank them for working with the Department in developing A.B. 39.

This bill will allow the Department, through regulation, to establish staggered periods of registration for Nevada-based vehicles, rather than having all vehicle licensing expire on December 31. These are Nevada intrastate carriers. The Department is anticipating savings in overtime of approximately \$11,000 per year after A.B. 39 is implemented. The Department's Information Technology staff is currently working on the necessary programming changes. The cost savings, in the future biennium include a reduction in overtime costs of \$22,000 and a savings in our contract costs of \$5,000 by removing the 100 percent Nevada-based carriers portion from our outside vendor contract with Affiliated Computer Services (ACS). The total future biennium savings amounts to \$27,000 each biennium thereafter.

The Division will be able to more evenly distribute the workload throughout the calendar year, providing more responsive and expedient customer service. The Division plans to move the expiration date of one-half of our Nevada licensees to March 31, and one-half of Nevada licensees to September 30 of each calendar year.

The Division will gain the opportunity for improving efficiency, while operating a better line of communication between the agency and Nevada's motor carriers. There will be a shorter preparation time for mailing annual renewals.

Nevada's motor carriers will be assisted in maintaining their cash flow by distributing their registration fees into three periods within the calendar year. Interstate vehicle registration in the International Registration Plan (IRP) program will continue to expire each December 31. Nevada's motor carriers will continue to have the opportunity to pay annual renewal fees in quarterly installments.

There will be more consistent distribution of revenue throughout the year to Nevada's counties and highway fund, providing those entities with the ability to forecast budgetary needs with increased efficiency and consistency. This is a win-win solution for both the industry and the Motor Carrier Division. I will be happy to answer any questions you have.

Assemblyman Goicoechea:

I am wondering how you are going to change from December 31 to March 31 or September. Are you going to register for one-half year, and then the renewal is due? How are you going to do that?

Edgar Roberts:

Through regulations, we are going to establish periods. On March 31, we will move one-half of the vehicles. On March 31, we will start with a company that wants to register a number of vehicles in their fleet of 100 percent Nevada carriers. We want to move one-half of our Nevada-based licensees to September 30. That is for a 12-month period.

Assemblyman Goicoechea:

If I am registered January 1 and am an intrastate carrier, are you going to give me nine months for free?

Edgar Roberts:

We would prorate you.

Paul Enos:

We are in full support of this bill. This is a win-win situation. It helps the Department with their administration and assists those 100 percent Nevada carriers with flexibility. They are able to better maintain their cash flow by having the flexibility to register at various times throughout the year.

Gary Milliken:

As mentioned earlier, we have worked with the Department on this bill, and we are definitely in favor of the bill.

Assemblyman Goicoechea:

I am assuming, if you are a farmer or rancher, registrations would also fall into this category? Is the 26,000 pounds for the farmer or rancher only on laden weight?

Edgar Roberts:

You are correct.

Chair Atkinson:

We will move to Las Vegas and see if anyone there would like to speak on A.B. 39. [There were none.] We will move to any opposition that we may have on A.B. 39. [There were none.]

Thank you again for all your hard work on both those bills. We will probably move them both to a work session coming up. We will now close the hearing on A.B. 39 and open the hearing on Assembly Bill 57.

Assembly Bill 57: Revises provisions governing crosswalks. (BDR 43-896)

Assemblyman Mark Manendo, Assembly District No. 18:

Let me give you a history of what happens in and around schools. It is a mess: double parking, triple parking, and speeding. We have issues like school zones that need flashing lights. We have trees that are overgrown and the signs are covered. We have a list of items that need to be addressed, including people parking in red zones and people parking by fire hydrants.

Some people were fed up and decided to organize. I want to pass out Look Out Kids About (LOKA) ([Exhibit G](#)) with other handouts ([Exhibit H](#)) sent from Las Vegas. People brainstormed about what we can do to be proactive. As you can see from this list, we have people who have given their time and energy to come together, including the DMV, the Clark County School District (CCSD), representatives from the Parent Teachers Association (PTA), representatives from Safe Community Partnership, Silver State Bicycle Coalition, Health District, local jurisdictions like the Cities of Las Vegas and North Las Vegas, Nevada State Bank, the Automobile Association of America (AAA), and my employer, Collision Authority. Thus, there will be several bills introduced this legislative session dealing with school safety.

This is one of the components. The CCSD is using one of their bill draft requests (BDRs) to address an issue that is directly related to LOKA. We appreciate the school district for using a BDR. I am going to let Scott Konnath walk you through this bill. The problem is generally the parents picking up their children; they are parking extremely close to a crosswalk or over a crosswalk. Too many children have been injured or killed. One is too many. This is a child safety issue bill.

The President of LOKA is Hector Garcia, who is also our police chief for the CCSD. The Secretary of LOKA is Scott Konnath, who is a member of the Nevada PTA Health and Safety Committee. He volunteers thousands of hours to the Las Vegas community because he cares about children and their safety. He is the resident expert on this issue. I would like you to hear from this gentleman and community member. Then we will answer questions.

Chair Atkinson:

We are going to Las Vegas. Go ahead, Mr. Konnath, and thank you for joining us.

Scott Konnath, Kids About-Safety Coalition, LOKA, Nevada:

What brought this to the forefront, last year I spent hundreds of hours as a volunteer parent in the crosswalk at my son's elementary school, helping the children who walk and bike to school arrive safely amid the maze of Hummers and large sport utility vehicles (SUVs). One of the things I learned from my background with Safe Routes to School was how to set up traffic calming. I did this at the two crosswalks on our school drop-off lane. For traffic calming, I created a curb extension or bulb-out. I took the wording of the current NRS 484.399, which states you cannot park within 20 feet of a crosswalk at an intersection, and applied it to these mid-block crosswalks on our drop-off lane. I took away the parking lane as you approached the crosswalk and as you left it. What that did was force all the parents who drove into the drop-off lane to pick up their children to hug the curb until they got up to the next car in front of them, and stop. Half the time they would stop on top of the crosswalk. I put 18-inch orange safety cones on a leading edge to the crosswalk and a leading edge away from it. These parents, as they approached the crosswalk, would have to go out into the middle lane of traffic and back to the curb if they wanted to get closer to the front door. This helped in two ways: it stopped the cars on the leading edge, the 20 feet prior to that mid-block crosswalk, so the cars in the middle and the third lanes could see the children using that crosswalk as they approached. It also helped on the back side of it.

There are, in NRS 484.449, limitations on backing. Prior to doing this traffic calming, I would have parents who parked with their back bumper up to the

crosswalk, and they would be boxed in. The only way they could get out was to back up on top of the crosswalk. We had two incidents. A Suburban backed up over a car, and if a child had been there, the child would have been severely maimed. In another near miss, a Suburban almost ran over a BMW because the driver could not see the roof of the BMW as he was backing up. The traffic calming measures were recommended by the Federal Highway Administration (FHA) in a program that came about in the 2005 Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) legislation. The FHA is allocating \$612 million for a five year period to address the needs of Safe Routes to School. Initiatives like this raise the awareness about safety that we need in our school zones for the children who are walking and biking. Its goal is to encourage more children to walk and bike. The FHA is teamed up with the Centers for Disease Control (CDC) and the U.S. Environmental Protection Agency (EPA) to make the air quality better and to improve the health of children in our schools by reducing obesity-related illnesses.

In the 2005-06 school year three children were killed in Las Vegas, prompting us to form Kids About. We formed this coalition to address some of these issues at the local level, to see if there was a way that we could make our school zones safer, and to take measures to help our children who are walking and biking, and to encourage more of them to do so. The growth that we are seeing in Las Vegas is part of the problem. Our schools are designed for 800 children, and at my school right now, there are over 1200. We do not have the land to put all the cars there. The Federal Safe Routes Program is trying to encourage more people to walk. We look at crosswalks as a designed place for our children to meet up with the cars, but we need to make sure that they are safe. The large number of high-profile vehicles, such as SUVs and Hummers, make it hard for people to see a child at the crosswalk. We need to back these cars away to increase the visibility.

The other part of this is cars that are not following the 15 mph speed limit when the flashers are on. You cannot stop a Hummer on a dime. They do not have the stopping distance they need, and often they cannot see the children. This is another reason we would include this limitation on the mid-block crosswalks that are primarily located at our schools.

Assemblyman Manendo covered everything that I was going to say. We are trying to branch out through the rest of the State because it has statewide implications. In my job at the state PTA, when we were up in Winnemucca last week, we visited Grass Valley Elementary School. They have two mid-block crosswalks without signs on one of the roads near their school. In a rural area, you automatically assume you are going to have more higher-profile vehicles

because of the nature of the businesses that are there. If there is no sign near a mid-block crosswalk, it makes for a dangerous situation. They had an incident which was a near-miss. They had a child who ran out between parked cars and was almost hit. This is the situation we are setting up by allowing these cars to park too close to our crosswalks. You are doing what we were taught not to do when we were children—run out between parked cars. One other example I can give you is at Hyde Park Middle School where my older son attends. There is red paint on one side of the crosswalk in front of their school because there is a fire hydrant. We take stock in our fire hydrants, but the crosswalk our children use is only five feet from it. This is why we need to consider the visibility of our children as they are approaching a crosswalk.

Assemblyman Goicoechea:

I know what you are trying to do with this bill, and I think it is great. Have you talked to the cities? The presentation focused on school zones. Clearly, by making these changes, we are going to decrease the parking that is available in some of the downtown areas. I was wondering if the cities had contacted you about this. Realistically, you are going to take four parking spaces in every block.

Assemblyman Manendo:

The current law is 20 feet, therefore, they are in violation. In talking with our Research and Legal Divisions, everyone does this. You drive up to an intersection or a red light, and the front of your car is right to the crosswalk. That is actually illegal. This keeps it consistent with the current state law, only it makes it for the mid-blocks. Most of the mid-blocks are at the schools. That is the only impact. No one has contacted me with the concern you raised. The school districts are in favor of it, and Clark County or other school districts have not contacted me with any concerns.

Assemblyman Goicoechea:

I agree with you. As you say, it is an existing law, but it also is an enforcement issue.

Assemblyman Manendo:

We are going to address that later in the legislative session.

Assemblywoman Womack:

I used to live five doors from the school and I understand. Sometimes we could not even get out of our street at 2:00 in the afternoon. It was not children going to the crosswalk as much as children running to their parents' cars as they got out of school. They were not paying attention to the cars that were pulling out. Two children were injured in the few years that I lived there. We

went to the schools as an association to try and at least to help with the traffic situation. It was fine for the first month or two. The schools took an interest. They sent flyers home, and the PTA talked about it. It happened again over the course of the year. How are we going to educate the parents that this is a dangerous situation?

Assemblyman Manendo:

We are going to be able to take this law, if it gets passed and signed by the Governor, and use it as an educational tool in our schools. We are going to tell the parents that we have created a safer area for our children to cross in those mid-blocks.

The law says that the cars have to be back, and it will be safer. It is the responsibility of the parents to teach their children that they should be using crosswalks. There are some [children] who are going to dart out. No law is going to prevent that. Hopefully, we are going to be able to provide a safe place for the children by what we are doing in Clark County, through education, by Look Out Kids About, and seminars. We have been in malls, and we are going to raise money and try to hand out informational packets at schools. Over time, we are going to train the children to use the crosswalks.

We see it all the time. Parents will pick up their children; they are driving slow in the school zone and obeying the law. They have their child, their child is safe, and they are flying. Metro tells us all the time they always get the ones right after they pick up their children. It is not an easy task, but it is worth it because it is the safety of our children. We are going to do everything we can. I know there is a resolution from the Nevada PTA supporting this. Please enter into the record a letter ([Exhibit I](#)) from Erin Breen, Safe Community Partnership, in support of this Assembly Bill.

Assemblyman Claborn:

You have thought a lot about this bill, but did you take into consideration that a heavy penalty should be added to this? I am sure there is a penalty for parking too close to the fire hydrant. There is a penalty for parking too close to the crosswalk, but when you add all this extra roadway or extra parking area you are taking, have you considered adding a penalty or maybe a double penalty? I have witnessed this. It is 90 percent of the parents picking up their children who are doing it. We have to stop it.

Chair Atkinson:

Assemblywoman Womack talked about education. What exactly are you going to do to educate the parents? You talked about pamphlets, and that the school district may be in favor of the bill. Are they going to help you by sending

something home to the parents, or maybe printing something in their quarterly newsletter that is sent home to the parents? I know it does not mention that in the bill, but I was wondering.

Assemblyman Manendo:

The Clark County School District is one of our charter members and has been working with us. The district has a representative at all our meetings. It is a big issue that they see. The school police see and deal with it every day. The principals, administrators, teachers, and parents—the ones who really care—are out there trying to do everything they can to keep the children safe. We will partner with any school district that wants to work with us. We want to work with them, whether it is through the PTA, an open house, or school functions. Schools have said, individually, they would be glad to put in a little article every time they send out a newsletter to the parents, so we can have a talking point on a few things. It is not going to happen overnight. It is going to take time, we know that. Mr. Chairman, LOKA and I are committed to doing everything we can. We have been raising a little bit of money to help out.

Assemblyman Cobb:

I like the idea of this bill, especially for school zones, which is the main focus of the effort here, and the main focus of the testimony we have heard today. The problem I see is that it extends well beyond school zones. In fact, it will affect local entities, such as the cities where you do not have a school zone, but you have mid-block crosswalks. Have you thought about restricting it to school zones to get to the main thrust of what you are after with this bill and to try to avoid situations? For instance, you would not be able to park in downtown Reno along the river area where there are a lot of crosswalks without intersections. You have parking that naturally exists along there.

Assemblyman Manendo:

I have not heard from the locals that this would be that big of an issue. I do not know how many mid-block crosswalks we have in the downtown areas. Children and parents use crosswalks in the city. This is a safety issue across the board. It is mainly targeting the schools, but a child or a parent could get hit in a mid-block downtown area where he is not seen. I do not know how much parking it would take away. We would have to take a look to see if there are any portions of downtown areas where cars are allowed to park right up to a mid-block. I do not know.

Assemblyman Cobb:

I disagree with you. If the localities do not say there are any costs or any major inconveniences to the people, then it would not be necessary.

Assemblyman Carpenter:

I really do not see any problem with the bill. You are going to have to put some signs or some paint there. People do not read these things. In order for you to get any kind of compliance, you are going to have to put some paint, signs, or something there.

Assemblyman Manendo:

You are right. It is going to be an education. The crosswalks need to be repainted. They do not last that long. Maybe we can get a grant and start working on some of our schools by putting up some signs. This component will be put into the newsletters to let people know this is the law. We will do whatever we can to get the word out.

Assemblyman Carpenter:

Drivers stopping for pedestrians in Carson City are better than they are in Elko. The other evening I was going across the street and did not step out until I knew the cars were going to stop. I stepped out so they could see me, or I thought they saw me. The first car came by and he really went. He did not stop, and the next car did not stop either.

Scott Konnath:

I want to add to some of the measures that Assemblyman Manendo talked about. We want to address the public in an awareness campaign with public service announcements. The Office of Traffic Safety has one that we were able to view. The American Automobile Association (AAA) gave us one that was from Southern California. The Clark County School District (CCSD) is developing one for the general public. We would like to get these to the public so that we can raise awareness, not just for the school, but for the general population. In the Clark County School District, we are developing a three- to five-minute elementary school training video for our teachers without any impact to their education or testing schedule. They can play this video and talk to the children about crosswalk safety. We have one middle school and a high school teaming up with the local Channel 10 here in Las Vegas, and they are developing a middle school-oriented educational video. We have other measures to raise awareness.

My wife asked me last night if I expected her to know the 20-foot law regarding crosswalks. It is frustrating that we do not know. We have such a transient population in the Las Vegas area, probably not as much in the Reno-Carson City area. With the DMV, the Office of Traffic Safety, and all these community partners helping us, we can get the message out. This is what the Safe Routes to School initiative has been about educating the general populace and not just the parents at the schools although in our schools, it is the parents who are

causing the problems. The Safe Routes philosophy is, if we can teach them at a young age, by the time our elementary school children are high school age, some of these bad behaviors will be gone, and they will be our drivers and parents in the future. Hopefully, they will not do the same things that our current parents are doing.

Dr. Craig Kadlub, representing Clark County School District:

I would like to thank Assemblyman Manendo and Mr. Konnath for their tremendous advocacy in this regard. Obviously, we see this as a safety issue as well. The CCSD is in full support.

Michael Geeser, American Automobile Association (AAA):

We have been a part of this advocacy group that was started by Scott and other parents in Las Vegas. We have supported them the entire way. To answer a couple of questions on how we are going to educate the children and the parents, that falls into our wheelhouse at AAA. I would like to share with you the program we currently have at the CCSD, and hopefully, bring it to northern Nevada. We have been bringing around a little robot, and perhaps if you have children, you may have seen some flyers coming home with pictures of this little robot. He is called Otto the auto. It is a remote-controlled robot we put in front of children, kindergarten through third grade. We have someone hidden behind a curtain who gives voice to the robot, and we teach the children traffic safety rules. To reach the parents, we send flyers home with their children to show them what they have learned. If this were to become a law, it would easily fall into that program under those guidelines and not only reach those children, but also reach the parents as well.

While we have outlined the incredible problems we have seen in school zones, there is a major pedestrian problem in this State. This would address it as well. Simply, the larger the distance between a car and a crosswalk, the more easily the pedestrian is seen. For those reasons—and because the major arteries—especially in Las Vegas, can be so wide and so difficult for pedestrians to cross we think this is a good bill. We urge your support.

Joshua Martinez, Las Vegas Metropolitan Police Department, Nevada Sheriffs and Chiefs Association:

We support the bill as it pertains to parking near school zones and mid-block crosswalks. It is a public safety issue, as well as a safety issue for the children. One thing we would like to clarify is that we have limit lines that are pushed back from the crosswalks in Las Vegas. That is where the first vehicle at the red light has to stop. If a driver violates those limit lines, then it is in violation of the position and method of stopping at a red light or stop sign and he can be cited. We support the bill as is for parking. We do not want to alter the 20 feet

back at a stop light. We would like to leave the limit lines the way they are today at four feet. It gives plenty of room and visibility of pedestrians who are crossing at an intersection now.

Tim Kuzanek, Washoe County Sheriff, Nevada Sheriffs and Chiefs Association:

We fully support the intent or the spirit of this in terms of public safety for our children. We need to be careful that we do not impede traffic at regular intersections, even though we have the best of intentions as vehicles are approaching these areas. I want to echo the comments of my partner and offer you our support.

Scott Konnath:

I would like to respond to the two enforcement officers. We just had a conversation on this very issue. If you read the first part of NRS 484.399, the traffic engineers in our coalition had that same concern, that we were asking that the stop line at a stop intersection be backed up 20 feet. That is not what we are intending to do. If you read the very last statement of subsection 1, it reads "...to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device." A stop light is a traffic control device. We do not intend to have the stop line moved back 20 feet. That will remain the same. We just want to keep the cars that are pulling up to the intersection and trying to park on the curbs from pulling up that 20 feet. That conversation did come up, and the clarification is already in the existing NRS.

Chair Atkinson:

Thank you, Mr. Konnath, for that clarification. Are there any questions from the Committee?

Assemblyman Manendo:

Scott, could you tell me that last NRS number?

Scott Konnath:

The current one we are trying to modify is NRS 484.399.

Traci Pearl, Office of Traffic Safety, Nevada Department of Public Safety:

We partner a lot with these organizations that are supporting this bill: AAA, Safe Community Partnerships, and the school districts. Pedestrians and traffic safety are part of our program.

I want to mention a couple of facts. Approximately 60 percent to 70 percent of our pedestrian fatalities are mid-block or nonjunction. This bill will certainly help in reducing or preventing those injuries or fatalities. About 80 percent of the

pedestrian fatalities are in Clark County. These accidents or crashes are happening all over the State. Concerning education, it is our office's responsibility to educate the public on safe driving behaviors. We fund programs through grants, through nonprofit and public agencies that go into the schools, and through schools that have their own safety committees addressing these issues. They provide information to the parents and have safety assemblies, bicycle rodeos, et cetera. Education is ongoing, and we will continue those efforts and support agencies with funding if they ask for it.

Chair Atkinson:

Does the Committee have any questions for Ms. Pearl? [There were none.] Mr. Manendo did state for the record that Ms. Erin Breen had submitted a letter in support of A.B. 57 ([Exhibit I](#)). I wanted to make sure it is part of the record. The PTA submitted a resolution ([Exhibit J](#)), which each member has, that will be part of the record as well.

I do not have anyone else signed in to speak. Anyone in opposition who would like to speak? Anyone who is neutral who would like to speak? We are going to close the hearing on A.B. 57 and move to any public comments at this time. [There were none.] Any Committee members who would like to comment?

Assemblywoman Womack:

In our Speakers Bureau at the Legislature, we have been asked to go into many of the schools to talk about what we do and what the Legislature is. As an example of what happens in the Legislature, one of the things we can bring with us is this safety issue, showing them what we do here is trying to keep them safe.

Chair Atkinson:

Are there any other comments at this time? Mr. Manendo and Mr. Konnath may want action on this bill right now, but it is going to be a policy of this Committee to go into a work session with most of our bills, especially in the beginning, for me and some of the newer members, in case they need to do research on any testimony that was given in the Committee. We will have a few work sessions in the next week or so and A.B. 5, A.B. 39, and A.B. 57 will be a part of the work session coming up. We are going to try to figure out a way to have a work session on A.B. 64. We may have a couple of members from this Committee work with them on it as well.

That concludes our meeting today. Our next meeting is Tuesday, February 20. We will listen to two different presentations: one by the Las Vegas Monorail Company, and the other by the Safe Routes to School Coalition, which is a bill I

sponsored last session. We are looking forward to hearing that. We are going to hear three bills and are going to be quite busy—members, come prepared. [Meeting adjourned 3:08 p.m.]

RESPECTFULLY SUBMITTED:

Christine Henricksen
Committee Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: February 15, 2007

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 64	C	Steven Dahl	Letter
A.B. 64	D	Judge Tina Brisebill, Pahrump Justice Court	Letter
A.B. 5	E	Assemblyman Hardy	A.B. 5 mock up
A.B. 5	F	Edgar Roberts	Presentation
A.B. 57	G	Assemblyman Manendo	Handout – Look Out Kids About
A.B. 57	H	Scott Konnath	Handout talking points
A.B. 57	I	Erin Breen	Letter
A.B. 57	J	Nevada PTA	Resolution