

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

**Seventy-Fourth Session  
April 3, 2007**

The Committee on Transportation was called to order by Chair Kelvin Atkinson at 1:32 p.m., on Tuesday, April 3, 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/](http://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](mailto: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 Jerry D. Claborn  
Assemblyman Ty Cobb  
Assemblywoman Susan Gerhardt  
Assemblyman Ed Goedhart  
Assemblyman Pete Goicoechea  
Assemblyman Joseph Hogan  
Assemblywoman RoseMary Womack

**COMMITTEE MEMBERS ABSENT:**

Assemblyman John C. Carpenter, (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Bernie Anderson, Assembly District No. 31  
Assemblyman Lynn Stewart, Assembly District No. 22



**STAFF MEMBERS PRESENT:**

Marjorie Paslov Thomas, Committee Policy Analyst  
Christine Henriksen, Committee Secretary  
Matt Mowbray, Committee Assistant

**OTHERS PRESENT:**

Joe Carter, Chairman, Nevada State Legislative Board, Brotherhood of Locomotive Engineers  
Danny Thompson, Executive Secretary/Treasurer, Nevada State AFL-CIO  
Rod Nelms, Nevada State Assistant Legislative Director, United Transportation Union  
Richard Gent, Private Citizen, Fallon  
Rusty McAllister, representing Professional Firefighters of Nevada  
Scott Hinckley, General Director, Security Initiatives, Union Pacific Railroad  
Dave Noble, Assistant General Counsel/Utilities Hearings Officer, Public Utilities Commission  
Peter Barton, Acting Administrator, Division of Museums and History, Department of Cultural Affairs  
Mark Froese, Administrator, Research and Development Division, Department of Motor Vehicles  
Randy Robison, representing Q-Tires, Inc.  
Mike O'Brien, Owner/Inventor, Q-Tires, Inc.  
Ginny Lewis, Director, Department of Motor Vehicles

**Chair Atkinson:**

[Meeting called to order. Roll taken.] Although we posted a work session today, we have to pull it. We need to work on a couple of items before we take action on them. We will entertain most of those bills this Thursday. We are going to take our bills out of order today because some of our colleagues need to go to other meetings. We are going to allow them to present their bills first.

**Assembly Bill 340: Enacts provisions relating to the safety and security of railroads and railroad facilities. (BDR 58-779)**

**Assemblyman Bernie Anderson, Assemblyman District No. 31:**

[Read from prepared text ([Exhibit C](#)) and *Washington Post* article ([Exhibit D](#)).

**Joe Carter, Chairman, Nevada State Legislative Board, Brotherhood of Locomotive Engineers:**

[Read from prepared text ([Exhibit E](#)).] PowerPoint Presentation ([Exhibit F](#)).

**Assemblyman Anderson:**

I have a humorous story to add. I grew up in the City of Sparks a couple of blocks away from the railroad yard. As a child I was told explicitly that was not a place for me to play or to go into. Even though there was a big, black fence around the yard that was difficult to scale, there was a large sand pile on the other side that my friends and I loved to play in. When we got caught our fathers made it very clear that was a one-time event and it would never happen again. It did not.

The Nugget, a major casino in the community where I live, is within 150 yards of the main railroad line. The switching tracks are less than 50 yards away. The opportunity to walk into the yard today is not as easy as it was when I was a child. It is the exact same neighborhood and same place where there used to be a sizeable fence. There is no attempt to protect the public from harming themselves in such a dangerous place and no attempt on behalf of the railroad to make sure that individuals stay out of it. Assembly Bill 340 is what this is all about.

It is just a target waiting to happen. If this happens in my community, we will lose a sizeable part of the downtown area and three or four of the economic centers. In the downtown Las Vegas area and the Strip, property has been cheap and easy to buy because of the proximity of the rail yards. If there is an accident there or at either of the two major sites in the north or south ends of the Las Vegas valley, it would be a major problem.

Fire departments have been working on hazardous material (HazMat) programs since I was a freshman here in 1991. We still have not faced up to the security issues. The distance across the northern part of the State is so much greater than the southern part. We have another marshalling yard in Elko and one in Winnemucca. Those are all major transfer points and railroad intersections that need more than just a casual observation every other year. This is an important piece of legislation and one that is long overdue.

**Assemblyman Manendo:**

Mr. Carter, do you know if the Homeland Security office is doing anything nationally in this area because of this being a possible threat?

**Joe Carter:**

I do not believe they are doing anything on a national level. I know that Larry Casey of Nevada Homeland Security is very aware of this bill. What his agency is doing, I do not know.

**Assemblyman Manendo:**

Maybe a letter should be sent to our congressional delegation from this Committee or from the Legislature regarding this concern.

**Assemblywoman Gerhardt:**

Did you share these scenarios with law enforcement? Have they looked at this document?

**Joe Carter:**

I have talked to the various lobbyists from law enforcement and firefighters, Gary Wolff and Rusty McAllister. Yes, they have looked it over.

**Assemblywoman Gerhardt:**

They have seen this document?

**Joe Carter:**

Yes, they have seen the bill.

**Assemblywoman Gerhardt:**

Have they seen this document you handed to us?

**Joe Carter:**

They have not seen it.

**Assemblyman Cobb:**

How many railroad operators are we dealing with in the State of Nevada? How many railroads would this pertain to?

**Joe Carter:**

There is one Class 1 railroad in the State of Nevada, which is the Union Pacific Railroad (UP). The other Class 1 railroad, the Burlington Northern, has trackage rights in the State. It has trackage rights over UP tracks.

I would like to make it clear the presentation in the binders you received was assembled for your benefit. It was not given to anyone else.

**Assemblyman Cobb:**

How many railroad facilities are there?

**Joe Carter:**

There are five marshalling yards: Sparks, Winnemucca, Elko, Valley, and Arden. Most of the time a crew change takes place in an established marshalling yard, with Las Vegas being the exception. They change their crews right there on Charleston Street.

**Assemblyman Anderson:**

Mr. Cobb, the nature of the railroad industry has changed dramatically. As an example, when my father was working on the railroad, there was a conductor, a brakeman who rode on the end of the train in the caboose; and an engineer, a fireman, and a brakeman, who ran the train from up front. That is not the case in modern railroading. There is one person, in some cases two, and occasionally three who ride in the front end of the train only. The whole aspect of crew change has dramatically changed, with only an engineer and a conductor. There is no longer a brakeman on most trains. There are some trains with only an engineer. In some states in the marshalling yard, trains are assembled by remote control rather than a live person. Those are the areas we are most concerned about in this bill. These places are liable to sabotage, which is part of the nuance of this particular discussion and whether we, as individuals, are adequately being protected by the industry with our new economies to scale.

**Assemblyman Cobb:**

To be more specific, on page 3, Section 10, subsection 1, it describes "each operator of a railroad," and then it says "complete a risk assessment for each railroad facility." Under those definitions, how many operators of a railroad are there? How many railroad facilities are there?

**Joe Carter:**

There are many railroad facilities. For example, the Burlington Northern, as I said, has trackage rights. Typically, that traffic is handled by a local yard out of Elko, Nevada, operated by Union Pacific employees. They have a facility at Red Hawk which is outside of Battle Mountain. It would be impossible for me to tell you how many railroad facilities there are, unless I had a clear idea whether you were talking about yards, industries, or sites.

**Assemblyman Cobb:**

I do not want to belabor the issue, but under the language of the bill I do not know what a railroad facility is. What is the intent you have written in here? Is it that there are 100 "facilities" or do the five you described actually have marshalling yards? I am trying to get an idea of what this would affect? Would this include Amtrak or commercial railroad as well or just Union Pacific?

**Joe Carter:**

There are the five yards that I talked about. There are literally hundreds of industries that would be included in this bill. It would be up to the railroad to identify those industries. They would be looked at as far as what their traffic mix is. For example, if they were receiving paper towels, they are not really a security hazard. If they were receiving a dangerous gas, such as anhydrous ammonia, I would guess that is what Emergency Management and Homeland Security would look at. We do have facilities that receive anhydrous ammonia and chlorine. There is a book full of hazardous materials that come through this State every day. We are trying to identify what comes through the State, where it goes, and to look at the security plans, not only for the railroad but also for the facilities. Most of those facilities already have a security plan for insurance purposes. It is not quite the same with the railroad; they are self insured to a certain extent.

**Assemblyman Hogan:**

My district in Las Vegas includes seven to eight miles of that railroad going south from downtown. My home is within a mile of the track. I find it unpleasant to be forced to focus on how ill-prepared we are because of the slow action by federal government who ought to be regulating this area and certainly by the operators of the railroad. As a matter of sensible business and risk management, most insurance companies will insist and require that any insured corporate facilities must have a plan to protect the workers if they are handling hazardous or dangerous materials. It is inconceivable that a railroad would not follow the same procedures to create at least an appearance of assessing those risks and begin to address them.

A bill of this kind is absolutely called for when we look at what Homeland Security has done and not done. One would think they have only noticed so far that there is an airline industry. They have certainly made it uncomfortable for us to use that. At least they seem to be trying to address the risks of flight. Other areas like ports, maritime shipping, and railroads have not gotten their attention. Any attempt to focus on them has been diverted by influential, not Nevada level, but national level lobbyists. I am encouraged to see this bill, we need it. We need to catch up on the existence of these risks, after all the years we have had with workers protected by Occupational Safety and Health Administration (OSHA), in the U.S. Department of Labor, and the risks addressed in former times by the agencies that regulated the railroad.

**Assemblyman Goedhart:**

It seems like an overwhelming task to ensure that nothing bad happens to those transports. If you had a railroad crossing, a person could be loaded up with amfuel and plow into the side of a train, setting off an explosion. It is difficult to plan for every contingency.

**Assemblyman Anderson:**

Given the wide-open spaces of Nevada and the many crossings that are ungated, it does seem that we are a little late to the hunt on this particular issue. We have approached the issue many times. For many years, the railroad has asked that we gate all of our crossings to make sure their rail lines are safe and secure because it is their means of business. Our concern is about the safety of the public at railroad crossings and we conduct programs in schools throughout the State so children are aware of them. Despite that, the public drives around gates and you cannot prevent people from being stupid. Legislatively, we would love to see that happen, but it is not going to happen. This bill recognizes, however, there are certain elements of safety that should be shared with the Division of Emergency Management, Homeland Security, and the Public Service Commission, letting them know that the railroad is actively doing something and raising those functions of the five marshalling yards.

Nevada, unlike California, which has a couple of railroads in operation, had railroads that were bought out by one single railroad. We are similar in nature as a crossroads to the West. We need to step up to the line, even if we are 20 years late and start now or we will never get there. This bill is supposed to keep people relatively informed.

**Assemblywoman Womack:**

I was in Flagstaff recently, and Flagstaff seems to be the stopping point or crossing point for trains going in either direction. What has been done by our neighbors to the east? Have they adopted bills similar to this? You can almost walk onto the tracks, and there seemed to be hundreds of cars stopped on the tracks.

**Assemblyman Anderson:**

We were encouraged to approach this question again and model our language after our neighbor to the west because they have stepped into this issue and their public safety. They have an extensive railroad and shipping business that depends upon the rail industry of agriculture goods that come from containers shipped across the country.

Our neighbor to the east, Utah, which has Ogden as a major shipping point, has not moved into this issue to my knowledge. Our neighbor to the south, Arizona, has a similar set of problems with a different railroad.

Mr. Carter has more information since he represents a union that has international relations and my knowledge is a narrow perspective of Nevada.

**Joe Carter:**

The Utah State Legislative Board Chairman, Jeff Worthington, assures me that he is going to introduce this bill. I talked to Rob Sbob in Arizona and he is also interested in the bill.

As a union, we are complicit in this inasmuch as we sat back for six years hoping the federal government would come up with some legislation. Frankly, they have not. I do not believe it is going to happen. On a state-by-state issue, if we can model the bills correctly, the federal government will follow our lead and establish legislation nationally. This happened with cab sanitation. Nevada was the first state in the nation to come up with cab sanitation for locomotives, and shortly after that the federal government and Federal Railroad Administration (FRA) established cab sanitation standards. I hope we can get this bill through, it benefits everyone in Nevada.

**Assemblyman Bobzien:**

This might be a question for someone in Homeland Security. What is the relationship between the operators and those agencies? Are we seeking to foster a greater cooperation or collaboration? Is there anything right now that could be capitalized on? I am concerned just knowing that might not be taking place right now.

**Joe Carter:**

As a union organization, we have a great relationship with the Public Utilities Commission (PUC). They are limited by law with what they can and cannot do. They are highly professional and try to deal with our concerns. Fatigue management, for example, is a big issue in the rail industry. Recently, I was involved in setting up some preliminary meetings to handle the fatigue issue. I do not deal much with Homeland Security.

If this bill were to go through, it changes a lot of things. Emergency Management could get involved by finding out what is in a railroad yard by having access to the UP system. All they need is a password, and a log-in identification. If an accident happens, while the fire engines are on the way, they can log-in and find out what the yard's inventory. The firemen are told what is there. Today that does not exist.



**Danny Thompson, Executive Secretary/Treasurer, Nevada State AFL-CIO:**

I worked at a company that manufactured those chemicals. Those black cars are 90-ton liquid chlorine cars. The white cars are either 90-ton hydrochloric acid tanks or 90-ton liquid caustic tanks. I have had the extreme displeasure of being exposed to visible chlorine gas twice, and it is a very frightening experience.

I look at this bill and visualize all the different facilities in the State, starting with the populated areas in downtown Las Vegas, downtown Sparks, and the middle of Elko. The companies that manufacture those materials are legitimate businesses with the best safety in mind for their workers and for their business. The railroad ships those chemicals with the best intentions in mind.

When you start parking the quantities of this material, say behind the Union Plaza, one 90-ton car of liquid chlorine would kill everyone in downtown Las Vegas. It would be a disaster. If you have ever seen chlorine released, it may start up and go straight to the ground. If you are in a low area, it will go down to those low areas. Hydrochloric acid is manufactured by burning hydrogen and injecting chlorine. The burning of those together goes up this device and the cooling vapor condenses into hydrochloric acid. If you mix hydrochloric acid with liquid caustic it releases the chlorine molecule out of the hydrochloric acid and you get the same effect. It happens to women cleaning the house all the time; when they mix an acid with Clorox, they release chlorine in the cleaner and it releases gas.

This bill goes a long way. You start with places where you have concentrations of people. Considering that tourism is our primary industry, it would be a disaster if someone were intent on doing harm. There is nothing wrong with inventorying this material and having the first responders know what they potentially are walking into because it would be disastrous to them as well. It is in the best interest of everyone to do what we can to ensure the safety of our citizens as well as our economy.

**Rod Nelms, Nevada State Assistant Legislative Director, United Transportation Union:**

[Read from prepared text ([Exhibit G](#)).]

**Richard Gent, Private Citizen, Fallon:**

I am in favor of A.B. 340 with some limitations. I have 30 years experience in government intelligence. Since 1998, I have been involved in rail safety awareness and most recently, under the direction and guidance of the Washoe

County Sheriff's Office, developed the first Citizen's Watch Team. It is designed to augment with extra eyes and ears, the existing security forces out there protecting the railways and infrastructure.

I believe you are at a crossroad. If we do this correctly, we can be the role model for the entire nation in developing a worthwhile and a viable bill for an issue which the nation and some states are struggling with right now.

There is an administrative issue on the bill, which is Section 15, subsection 2, regarding bridge tenders. Since we do not have any drawbridges in the State, maybe we need to explore this in more detail.

There are a lot of moving parts in counterterrorism. This particular bill places the onus specifically on the railroad. You have the Sheriff's Department, local police department, Homeland Security, and PUC. All these entities need to be involved in a railroad advisory panel. You need to have something like this in the bill so that all the people involved in counterterrorism can come up with a viable solution.

I would like to recommend an inclusion of the railroad auxiliary concept, which is a civilian watch group working in Washoe County. We support the Washoe County Sheriff's Office and Union Pacific Railroad police. We cut down on response time, and we are those extra eyes and ears for those railroad employees whose primary concern is operating a 60 miles per hour, 12 million pound locomotive and train safely. In conclusion, good security costs a lot; bad security costs you even more. [Submitted copy of remarks ([Exhibit H](#)).]

**Rusty McAllister, representing Professional Firefighters of Nevada:**

We will also stand in support of this legislation. Many of our decisions are based on information. The more information we have, the better the decisions we can make. We would like to be included in the emergency planning part of the bill. It has been mentioned and described to me that the railroads have access to a computer program that has the ability to identify every car and chemical in those rail yards. We do not have access. If we had to respond to the rail yards and had the ability for the Battalion Chief, who would be the commander on that incident, to use a password and log-in, he could immediately tell what we were responding to and what was out there. It would certainly put us into position to make better decisions for us and the public as well.

**Assemblyman Bobzien:**

In a scenario, the railroad line in the trench through downtown Reno, something goes wrong and there is a fire. You have tank cars there and the Reno Fire Department responds. They have no idea what is in the cars. Can you describe for me what the situation is right now?

**Rusty McAllister:**

Prior to this hearing I talked to the Deputy Fire Chief of the Reno Fire Department. I described this concept of using a computer to access the inventory of cars on a railroad train. He was amazed that we do not do this now. The only thing we would do is pull up, use binoculars, and look for some form of identifier on the railroad car as to what might be or should be in that car. This is assuming that the car is still intact and not engulfed in smoke.

If there was a fire in the trench and it occupied multiple cars, unless we had access where we could use binoculars to look down into the trench, we would be hard-pressed to know what was burning. We use that information to make decisions as to how much of an area should be evacuated. We also look at what is close by, because if one car is on fire and next to it is a pressurized gas tank, that tank has the ability to explode. We are going to evacuate much differently.

**Scott Hinckley, General Director, Security Initiatives, Union Pacific Railroad:**

I am here to testify in opposition to the bill as it is written today. Union Pacific Railroad (UP) takes security very seriously. Listening to the testimonies, and recognizing that I spend all my time on security while many others do not, there are misconceptions and misunderstandings of what is taking place. I will begin by addressing the questions that have been asked.

The bill, or a version of it, has been introduced in over a dozen states to the east and south. It was introduced in Utah and did not make it out of committee. The only place it received a favorable vote was in California where it has been challenged and is currently in federal court.

The disagreements with the bill deal with the fact that people are not aware. We need to draft legislation giving us the ability to handle terrorist issues by gathering all the people to the table, not just the railroad. There is currently a system to notify first responders. There is a national system. In case there was an incident in Reno, the fire department would be told exactly what was in the train because they need to know before they get there. There is also a national chemical company that provides a 24-hour service for information on

how to handle and attack those fires, which has been used. Several fire departments from Nevada, including Caliente, Elko, Carlin, Henderson, Pyramid Lake, Clark County, and Las Vegas, have been to Pueblo, Colorado, to take part in that particular training at Union Pacific expense.

The railroad is basically 50 feet wide and is out in the open. In the PowerPoint handout I gave you ([Exhibit I](#)), on page 4, you get a sense of what you are faced with in the State. There are 307 at-grade public crossings, 299 at-grade private crossings, 84 overpasses, 62 underpasses, and 3 pedestrian and bike path crossings. In addition, next to the railroad at many locations, are parking garages, hotels, buildings, and facilities that are outside our 50-foot network. You could put all the security you wanted to around the 50-foot wide area but a determined terrorist, in a parking garage above the train, could attack the train. All of the other efforts you focused on are nil.

In Nevada, there has been considerable security planning going on with the federal government. In the past two weeks the Federal Department of Homeland Security's (DHS) Transportation Security Administration (TSA) agents have been viewing the facilities within the State. Currently in Nevada, there is a joint terrorism task force headquartered in Las Vegas. Under the guidance of the U.S. Attorney General, the head of the task force is the Federal Bureau of Investigation (FBI) with the railroad and local police included. They work together identifying terrorism and determining the alert level that should be exhibited within the State.

Good security plans have different alert levels. The alert level depends upon what happens with hazardous materials, such as chlorine, anhydrous ammonia, et cetera. Different security levels may mean it does not even get into the State. It is kept out of the State or it is kept at its planned facilities. At lower alert levels it does travel through the State.

Security requires dynamic planning. You cannot have a set security plan. For example, at airports you now have to show your toothpaste, which can only be in a three-ounce tube. Intelligence uncovered the potential for shoe bombs; once we all took our shoes off, shoe bombs could not be put on planes anymore, so security tried a different plan. The plan was dynamic, and they changed the security operation at the airport. It is an ongoing event. Security requires specialists with proper training and clearances.

In the state to the west, their PUC does not have anyone authorized to have a federal security clearance. The railroad security plans, as developed with the federal TSA, come under Federal Sensitive Security Information Guidelines. As such, they are not available to every state commission, but they are available to

that state department of homeland security, which is the department the railroad works with in developing and working with their plans. The PUC is a commission that is neither a police agency nor a security agency.

The handout in the binder we gave you is a complaint that Union Pacific, with other railroads, filed against the PUC ([Exhibit J](#)). You can see what those issues are. There is also, under Tab 2, a federal preemption, newsletters, and supplemental action items from the TSA, Federal Railroad Administration (FRA), Brotherhood of Locomotive Engineers and Trainmen (BLET). We have been meeting with chemical customers and shippers to reduce the amount of time cars are held. Most of the problems stem from the chemical plants, as to whether or not they can handle those particular chemicals.

One of the problems with the bill as written is it treats all hazardous material the same. Canola oil is treated the same as chlorine under the bill. You would need a protection of facilities for handling both because the bill says all hazardous cargo. It seems strange that we would put an effort into the protection from things that may be hazardous to the environment, but not into protection of a target for a particular terrorist.

We are in favor of a partnership with Nevada to work with its police agencies and the DHS, through the Federal Joint Terrorism Task Force, to sit down and share intelligence and information. This partnership would develop a task force of professionals in that field as opposed to separating the railroad out. The railroad has to have a plan weak enough to go through non-security agencies' reviews and have the other agencies still maintain their membership in the Joint Terrorism Task Force. We take our security job very seriously. We have met with the Central Intelligence Agency (CIA). We have federal railroad police officers that meet routinely with national intelligence agencies. We use that to help develop our plans.

**Assemblyman Bobzien:**

I am trying to bridge the gap from what I heard from Mr. McAllister and what you have indicated. It is a good thing there is a training program in place and first responders are able to go to that training program. What I heard from Mr. McAllister is literally pulling out the binoculars and hoping there is a marking on the cars that the firemen can view, but you seem to differ with that. Perhaps you can provide more of a scenario-based assessment on how first responders deal with those situations, currently.

**Scott Hinckley:**

There are not many real exercises in the U.S. that take place in this area. Our training exercises are based on real situations that have taken place. Each

railroad has a 24-hour, 911 center. Those railroads monitor all the hazardous material that is moving within the U.S. They also provide to city first responders what chemicals have been in your state or through your community in the last year.

The chemical industry puts together information on how you fight these things; they work with the fire departments, and have a national response center. It is a critical command national response center. If there was an incident, the railroad's 911 center and the chemical industry's 911 center would be in contact with the local fire department. We give them our numbers, the local police have those numbers, and our employees have those numbers. Our employees are told the first thing to do is call that number. They know the training, the concept of the training, and can feed that information. They do not have to get binoculars out other than to stay at a distance and see how bad it is burning or what is happening.

The fact that there has never been an incident in Reno is good, and we can provide an update to the first responders in Reno. We would be willing to do that. We should have the ability to have people who are specialists in this field go around to the local fire departments in addition to sending them to Pueblo, Colorado, where they actually fight tank fires at that facility. We do know what is on trains, we track them constantly, and we have information to give to the 911 operators in Reno, immediately upon an incident. That would help them; it would put them in touch and they would be able to help each other about how to approach and fight the fire.

Mr. Chairman, the first handout ([Exhibit I](#)) I had is a PowerPoint presentation I recently gave to the California Task Force. I took out the California statistics and put in the Nevada ones on the road crossings.

The state to the west passed a task force bill ([Exhibit J](#)) that said gather information about what is out there first before we do any additional legislation on it.

**Assemblywoman Womack:**

Do we have trains that only carry hazardous material? Are they mixed in with everything else?

**Scott Hinckley:**

Hazardous material does not travel in what we call unit trains that are all the same. As an example, south of Las Vegas in Henderson, there is a chlorine facility and they put it in tank cars. Those tank cars are usually directed to

different cities in the U.S., would go on trains destined to those cities, and travel on manifest trains. Manifest trains could be shoes, lumber, or hazardous material.

All conductors and engineers receive a booklet on hazardous material. They have to study that booklet because they need to know where to put the hazardous material in a train. They cannot put an acid and base next to each other, it has to be a certain distance from the engine. It is complicated and our crews understand it. The manifests or the lists of the cars are put together in such a way to keep that train as safe as possible in case some incident did happen.

**Assemblywoman Womack:**

That factory or industrial area happens to be in my district. When the train leaves that plant it goes through heavily populated residential areas before it hits the main line in Las Vegas.

**Scott Hinckley:**

Union Pacific has been in the railroad business for 150 years, and neighborhoods and industries have been built up around railroad lines with some of them quite close. Railroads have requirements as a common carrier. If someone says we want you to haul this, we have no choice, we have to haul it. That commodity would be spread out on the different trains to where it is headed. Cities determine where road crossings are going to be and they can put ten of them between the plant and the main line, making all of those an opportunity for someone to come onto a facility or sit at a rail crossing and run into a train with a car bomb. We haul hazardous material safely. The issue comes from terrorism. The chemical plant is your next-door neighbor and the people you represent happen to live close to the plant and the railroad.

**Assemblywoman Womack:**

The trains coming out of Basic Management would all have several cars with hazardous materials until it gets to the yard and then it is dispersed to other trains.

**Scott Hinckley:**

Yes, whatever the plant produces is all that would be coming out of there.

**Assemblyman Hogan:**

First responders are looking for a very quick and accurate way to know what is on the train and what might be in the yard near the train. They are hoping to be given an access code or computer link they could use promptly so they could

access corporate information. Has that been specifically requested? Does the company have a position whether you would be able to grant access to that corporate information?

**Scott Hinckley:**

I do not know if that has been requested. I know there is a system set up to let first responders know what types of materials are in the community. I will make sure our people get with the Reno Fire Department to explain the process of how they can find out what is there. I do not see it as simple as saying we are going to log into your computer and access information in that particular way.

**Dave Noble, Assistant General Counsel/Utilities Hearings Officer, Public Utilities Commission:**

The Commission became aware of the bill recently. We have not had the opportunity to provide a fiscal note. It appears that there is going to be a fiscal impact on the Commission. We would like to put a fiscal impact statement together in the next day or two and provide that to the Legislature.

Regarding the bill itself, there are two clarifications to bring to your attention. Section 10 discusses the risk assessment that will be provided to the PUC. I do not see in the bill what the Commission is supposed to do with the risk assessment. I assume it is to be evaluated in conjunction with the railroad infrastructure protection program. It would help to have explicit language to that effect.

Regarding the definitions of railroad facility and operator of the railroad, at this time it appears to include both museums and tourists attractions that involve railroads. There are ones in Boulder City, Carson City, Virginia City, and the Ely area. Was the intent to include those?

As to the interaction of the Commission with the railroads, the Commission has four railroad safety specialists. Each one has a specific area of expertise for railroad inspections: rail, locomotion, hazardous materials, and operations and maintenance. Those inspectors deal with applications to change, modify, delete, or add railroad crossings, as well as investigate complaints by railroad employees, the public against the railroads, and by railroads themselves dealing with railroad crossings, in general. Our inspectors deal with investigations of derailments. When the FRA cannot reach the location fast enough, our inspectors are in the area and can get there more quickly. The main task our inspectors deal with is safety and not with the external attacks on the railroad infrastructure. This would be a new facet the Commission would perform, either as an additional duty or with additional personnel.



**Peter Barton, Acting Administrator, Division of Museums and History,  
Department of Cultural Affairs:**

We are generally in support of A.B. 340. However, it has a potential impact on the two railroad museums' operations in Boulder City and Carson City. Both of these operations are limited to an isolated section of track over which we operate historic railroad equipment as a core public program for the education and entertainment of our visitors. Both operations are isolated from the general railroad operating network and are limited to 70 to 90 days per year.

As written, the operation of the historic railroad lines would be required to meet the provisions of A.B. 340. For the railroad museums that would be a costly burden. We have not submitted a fiscal note and we are, in fact, seeking an exception to the rule.

In some instances when we operate historic steam locomotives we could not achieve compliance with the bill. We ask consideration for an exception in Section 6, where the operator of the railroad is defined to exclude railroad museums from at least certain requirements of the proposed legislation and in particular Sections 10, 11, 12, 14, and 15.

Please note our railroad operations comply with common railroad operating practices as they relate to crew selection, training, and the operation of equipment. The operation in Boulder City, in fact, falls under the jurisdiction of FRA. One hundred percent of our crews are volunteers, highly-trained and motivated. They collectively enhance the lives of thousands of our visitors each year.

In over 20 years we are proud of our safety record. It is unblemished. The employees and volunteers are committed in keeping safety our number one priority.

**Joe Carter:**

We do not have a problem with exempting the railroad museum or tourists railroads. They do not haul a lot of hazardous materials, which is our primary consideration. Mr. Hinckley is correct as far as the train crews getting training on hazardous materials. The problem becomes serious very quickly if there is an incident with a hazardous materials spill, sabotage, or whatever. It depends on whether if the train crew is still there to call anybody. We may be the first to go.

We are required to carry a consist or inventory of the train. I hit a semi truck and trailer on the Patrick Crossing. I was in a fireball for 600 yards and guess what, when I left that engine, I left the list inside. It does not do a bit of good

for me to have a list. It is just a simple thing, logging on the computer with a password and getting a yard inventory. Conductors do it all the time. It is part of getting orders and a train list.

**Chair Atkinson:**

We are going to close the hearing on A.B. 340 and open the hearing for Assembly Bill 437.

**Assembly Bill 437:** Revises provisions governing the imprinting of a medical condition on a driver's license or identification card. (BDR 43-1293)

**Assemblyman Lynn Stewart, Assembly District No. 22:**

Assembly Bill 437 is a very simple bill. This is very similar to the one Dr. Hardy presented in A.B. No. 239 of the 73rd Session. I was going to use his expertise to testify, but he told me to tell you this bill fixes his bill.

This bill authorizes the Department of Motor Vehicles (DMV) to print a medical code on a driver's license for those who have a medical condition and want it put on their driver's license. When a person has a medical condition, a heart attack, an accident, or something, the first responders would quickly check the driver's license and will be alerted as to what the condition is and give the proper treatment.

This bill passed as A.B. No. 239 of the 73rd Session but it was not funded because it would take approximately \$43,000 to fund. However, we have taken care of that. With your permission, Mr. Chairman, Mr. Mark Froese from the DMV will explain. His position is neutral, but it is essential to help you understand the financial part has been taken care of.

**Mark Froese, Administrator, Research and Development Division, Department of Motor Vehicles:**

[Read from prepared text ([Exhibit K](#)).]

**Assemblyman Stewart:**

This bill is contingent upon that taking place. If it does not take place we realize the bill would not be funded and would die. If it takes place there is no fiscal impact. I have before you an amendment ([Exhibit L](#)) withdrawing the \$2 fee so there would be no cost to the individual who wants this on their driver's license. The DMV wanted to keep it brief as far as the number of codes

passed out, so we limited them to nine ([Exhibit M](#)). I used Dr. Hardy's expertise to make it encompassing and as brief as possible. We included blindness on an ID card rather than a driver's license, which is beneficial for the first responders.

**Assemblyman Claborn:**

The card I have in my hand was issued to me 30 years ago. The black spot is a microfilm. It has my data, and needs to be updated, but is wonderful. I commend you for bringing this bill forward. You have my support.

**Chair Atkinson:**

Is there anyone in the audience wishing to speak for, against, or neutral on A.B. 437? We are going to close the hearing on A.B. 437. We will now open the hearing on Assembly Bill 493.

**Assembly Bill 493: Revises provisions relating to studded tires. (BDR 43-1394)**

**Randy Robison, representing, Q-Tires, Inc.:**

We are presenting Assembly Bill 493. It requires a change in the law because of new technology that has been in development by this company. It has to do with a retractable studded tire. I will introduce the inventor of the tire.

**Mike O'Brien, Owner/Inventor of Q-Tire, Inc.**

[Read from prepared text ([Exhibit N](#)).]

**Assemblyman Claborn:**

Our biggest problem in Las Vegas is heat. Would this tire or this system stand up in heat? I have not seen anything yet that would.

**Mike O'Brien:**

Does this create additional heat for the tire? Is that the question?

**Assemblyman Claborn:**

No, would it withstand the heat, last longer, and do what you say it will do?

**Mike O'Brien:**

The basic construction of the tire is like any other you find on the road surfaces. We will hand you a piece of the tread so you can look at it from both sides. In terms of technology, it should have noticeable impact. We have run through the Department of Transportation (DOT) test, the big-wheel lab test that indicates heat buildup. There is no appreciable difference between our tire and a normal tire. Will it hold up? We believe so, to certain parameters.

**Assemblyman Claborn:**

If that is a cap you put over a tire, it will not stand up to the heat in Nevada, especially in Las Vegas. But if it is impregnated when it is built, it might.

**Mike O'Brien:**

There are technologies that are tested well by your temperatures, to be sure. The DOT will not let us on the road unless we meet the standards other tires have to meet. To answer your question, I do not know. Until we meet DOT and Uniform Tire Quality Grade Standards (UTQG), standards the federal government and the tire industry puts out, we will not go on the highway with them.

**Assemblyman Claborn:**

You would know by having a study before you sold the tires.

**Mike O'Brien:**

We have passed the federal government standards that also measure heat endurance and other things necessary for the new 139 testing protocols. We are convinced it will pass all the tests that are normal. Abnormal, we are not sure because we have not been through the abnormalities yet.

**Chair Atkinson:**

Can we watch the video so the Committee can see what it does? [Video shown.]

**Assemblyman Goicoechea:**

Because you have the chamber in between, if you get a nail in it and you are trying to inflate your studs you are clearly going to have a flat tire, correct?

**Mike O'Brien:**

Correct. We are fortunate enough to hire people who have significant capacities in the tire industry. Our president is a former number three man from Michelin USA. We have two from Goodyear and one from Bridgestone. They all understand that you cannot put holes in tires and not have them leak. They have come up with some creative ways to make sure the holes are usually patchable and we will not be losing air out of the main chamber if we get a hole in the inflatable arena.

**Assemblyman Goicoechea:**

It seems like it would help on a number of flat tires, if you wanted to track up you would probably get a flat—push the studs up, then your tire would go flat.

**Chair Atkinson:**

I hope they have done their work and know what they are doing if they are selling this product.

**Assemblyman Claborn:**

What would be the added cost to these tires?

**Mike O'Brien:**

The manufacturing engineer overseeing our development of this product says we can see a 30 to 35 percent additional cost over a similar size and performance tire. We think it is fairly reasonable.

**Assemblyman Claborn:**

The same old story, you get what you pay for.

**Mike O'Brien:**

That is correct.

**Randy Robison:**

We do have a prototype tire in the room with a manual activator on it so you can see how the studs protrude and retract. [Picture in lieu of real one ([Exhibit O](#)).] We also have a cross section of the current prototype that shows how the technology looks and works.

**Chair Atkinson:**

Are there any other questions from the Committee? We will close the hearing on A.B. 493, and I will entertain a motion.

ASSEMBLYMAN GOEDHART MOVED TO DO PASS  
ASSEMBLY BILL 493.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN CARPENTER AND  
ASSEMBLYWOMAN GERHARDT WERE ABSENT FOR THE VOTE.)

**Chair Atkinson:**

We will open the hearing on Assembly Bill 582.

**Assembly Bill 582:** Revises provisions relating to the increase in certain fees for the issuance of a driver's license or identification card. (BDR 43-1418)

**Ginny Lewis, Director, Department of Motor Vehicles:**

[Read from prepared text ([Exhibit P](#)).]

**Chair Atkinson:**

We will close the hearing on A.B. 582, and I will entertain a motion.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS  
ASSEMBLY BILL 582.

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN CARPENTER AND  
ASSEMBLYWOMAN GERHARDT WERE ABSENT FOR THE  
VOTE.)

**Chair Atkinson:**

We will adjourn the meeting [3:33 p.m.]

RESPECTFULLY SUBMITTED:

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Christine Henricksen  
Committee Secretary

APPROVED BY:

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Assemblyman Kelvin Atkinson, Chair

DATE: \_\_\_\_\_

## EXHIBITS

**Committee Name:** Committee on Transportation

**Date:** April 3, 2007

**Time of Meeting:** 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 340	C	Assemblyman Bernie Anderson	Prepared Text
A.B. 340	D	Assemblyman Bernie Anderson	Washington Post Article
A.B. 340	E	Joe Carter, Nevada State Legislative Board, Brotherhood of Locomotive Engineers	Prepared Text
A.B. 340	F	Joe Carter	PowerPoint Presentation
A.B. 340	G	Rod Nelms, United Transportation Union	Prepared Text and industry articles
A.B. 340	H	Richard Gent, private citizen	Remarks from presentation
A.B. 340	I	Scott Hinckley, Union Pacific Railroad	PowerPoint presentation
A.B. 340	J	Scott Hinckley	Binder with TSA/FRA Federal Preemption, UP Railroad Co. vs CA PUC, CA Rail Security Task Force Bill
A.B. 239	K	Mark Froese, Department of Motor Vehicles	Prepared Text
A.B. 239	L	Assemblyman Lynn Stewart	Amendment
A.B. 239	M	Assemblyman Lynn Stewart	9 codes
A.B. 493	N	Mike O'Brien, Q-Tires	Prepared Text
A.B. 493	O	Randy Robison, representing Q-Tires	Picture of studded tire in lieu of real one presented at meeting
A.B. 582	P	Ginny Lewis, Department of Motor Vehicles	Prepared Text