

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

**Seventy-fourth Session
February 27, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:30 p.m. on Tuesday, February 27, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dennis Nolan, Chair
Senator Joseph J. Heck, Vice Chair
Senator Maurice E. Washington
Senator Mark E. Amodei
Senator Maggie Carlton
Senator John J. Lee
Senator Joyce Woodhouse

STAFF MEMBERS PRESENT:

Lynette M. Johnson, Committee Secretary
Dan Lindholm, Intern to Senator Nolan
Nicholas Marquart, Intern to Senator Nolan
Matt Szudajski, Committee Policy Analyst
Carolyn Allfree, Committee Secretary

OTHERS PRESENT:

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association
Mark Peresi, Chief of Police, City of North Las Vegas
Doug Gillespie, Sheriff, Clark County
Murali Pasumarthi, Director, Freeway Arterial System of Transportation,
Regional Transportation Commission of Southern Nevada
Michael Poehlman, Police Chief, City of Reno
Timothy Kuzanek, Nevada Sheriffs' and Chiefs' Association; Washoe County
Sheriff's Office

Craig Hartman

Chad Dornsife, Executive Director, Best Highway Safety Practices Institute

Lynn Chapman, Nevada Eagle Forum

Edward Gobel, CONVO, Go West Institute

Linda West Myers, CONVO, Go West Institute

Nicholas C. Anthony, Legislative Relations Program Manager, City of Reno

Tom Conlin, Captain, Traffic Bureau, Las Vegas Metropolitan Police Department

Erin Breen, Co-principal Investigator, Safe Community Partnership Program,
Transportation Research Center, University of Nevada, Las Vegas

Ronald R. Cuzze, Nevada State Law Enforcement Officers' Association

Colonel Chris Perry, Chief, Nevada Highway Patrol, Department of Public Safety

Michael D. Geeser, American Automobile Association Nevada

James Miller, Sheriff, Storey County

Bill Parker, Stop DUI

John Phillips

Joseph Guild, III, State Farm Insurance Company

Paul Enos, Nevada Motor Transport Association

Jason M. Frierson, Office of the Public Defender, Clark County

Cotter C. Conway, Office of the Public Defender, Washoe County

Traci Pearl, Seat Belts and Pedestrian Safety, Office of Traffic Safety,
Department of Public Safety

Lawrence P. Matheis, Nevada State Medical Association

Laurel A. Stadler, Mothers Against Drunk Driving, Lyon County Chapter

Frederick Dries, P.E., Administration Division, Nevada Department of
Transportation

R. Ben Graham, Office of the Clark County District Attorney; Nevada District
Attorneys Association

CHAIR NOLAN:

We will open the hearing on Senate Bill (S.B.) 61.

SENATE BILL 61: Provides for a pilot program for local governments to use
certain automated systems for the enforcement of traffic laws.
(BDR 43-330)

FRANK ADAMS (Executive Director, Nevada Sheriffs' and Chiefs' Association):

This is a bill dealing with highway safety. I have provided you with a copy of
my prepared statement ([Exhibit C](#)). Nevada law enforcement and the public
have recognized the problem of drivers running red lights as a major safety

issue. Nationally, 950 deaths and 90,000 injuries occur in crashes at intersections each year. In 2005, Nevada had 427 traffic fatalities, 91 of which were the result of intersection crashes. In 2006, there were 1,983 crashes where control devices were disregarded in Las Vegas.

Senate Bill 61 directs the Nevada Department of Transportation (NDOT) to establish a pilot program to allow local governments to use certain automated systems to gather evidence for the issuance of a citation. The systems would identify the license plate of the vehicle, the signal displayed on the traffic-control device at the time the vehicle enters the intersection, the position of the vehicle relative to the signal and the date and the time. Under this pilot program, law enforcement agencies would be required to report the results of the program to the Legislature every two years.

We have asked that the penalty be the same as a parking citation and that it be issued to the registered owner of the vehicle. The purpose of this legislation is to get people's attention and get them to obey the law. This program is part of the Nevada Strategic Highway Safety Plan. National statistics show that where cameras are used, crashes at the intersections do go down. Approximately 250 jurisdictions nationwide are using this type of program, each a little differently, but each effectively. Our goal is the safety of our citizens and visitors on our highways.

I have given you a letter from Jennifer M. Alexander, who is a victim of a red-light violation and traffic accident ([Exhibit D](#)). Her life has changed in ways she cannot describe. Due to her injuries, pain management is now a part of her life, she is dependent on those around her and rarely has space of her own.

MARK PERESI (Chief of Police, City of North Las Vegas):

Senate Bill 61 is only one part of the approach to addressing public safety in our communities. We are asking for a pilot program.

According to the National Highway Traffic Safety Administration, the annual cost of red-light crashes exceeds \$7 billion. The major economic impact of these traffic crashes comes from increased medical costs, time off from work, insurance rate increases and property damage. More than half the deaths attributed to red-light runners are pedestrians and occupants of other vehicles hit by the red-light runners.

CHIEF PERESI:

Technology, through the implementation of a red-light camera approach, can and will save lives. Knoxville, Tennessee, reduced crashes 18 percent in the first 6 months after implementing this approach. Ventura, California, experienced an 80-percent reduction in intersection collisions as a direct result of camera enforcement. Most dramatically, Marysville, California, reduced collisions from 55 a month to 3 a month, with no rear-end collisions, after installing cameras at 3 major intersections.

We do not have the capacity to station officers at major intersections around the clock. Intersection collisions threaten the safe passage of transportation vehicles and community residents and interferes with the ability of public safety vehicles to respond to other calls for service. It takes at least four officers to effectively control an intersection once a major accident has occurred.

The loss is felt in the pocketbook. However, the quality of life impacted by red-light runners is serious. Many survivors barely survive and many lives are shattered. I am appealing to you to give us the opportunity to field-test this proposal in Nevada.

DOUG GILLESPIE (Sheriff, Clark County):

I echo the comments of Chief Peresi. As the sheriff of Clark County and overseeing the Las Vegas Metropolitan Police Department and roughly 1.5 million people living within the jurisdiction, I see this camera system as a way for us to deal with a growing problem. Not only have the red-light cameras reduced accidents at intersections in other jurisdictions, they have significantly reduced the number of fatalities throughout those jurisdictions. That is how I am approaching this issue. One of the goals of my organization is to ensure public safety. This red-light camera system directly impacts that.

This technology has been perfected over the years, and now is a good time for you to afford us the opportunity to participate in this program in Nevada.

MURALI PASUMARTHI (Director, Freeway Arterial System of Transportation, Regional Transportation Commission of Southern Nevada):

I am speaking from an engineering angle on this issue. I have provided you with a copy of my prepared statement ([Exhibit E](#)). The Regional Transportation Commission (RTC), working with all of the local agencies within southern Nevada, is responsible for operating over 1,100 traffic signals within the valley.

In working with our partners in the NDOT, RTC is responsible for managing all of the Intelligent Transportation Systems within the freeways in the valley.

With respect to the issue at hand, the intersection of Charleston and Lamb Boulevards is a classic example of restrictive rights-of-way and limited enforcement capabilities. Even if an officer is stationed at the intersection, with the right-of-way constraints that exist, it is not safe for the officer to enforce a violator running the red light. There are physical constraints, also, which restrict the enforcement of the red-light cameras at various locations, especially in the east part of the valley where right-of-way is tight.

There are three aspects on how the red-light cameras work: the cameras, the sensors that detect the actual vehicle running the red light and a computer that triggers the cameras. The various jurisdictions define how the cameras should be taking pictures, whether the front of the vehicle or just the back of the vehicle to capture the license plate. There are many ways to skin the same cat. Depending on the perspective of privacy, some jurisdictions limit themselves to taking the picture of the license plate.

As the sheriff has pointed out, this is a technology that has been proven to work in over 22 states. It is not a new technology for us to deploy and make work successfully here in the valley. We in the RTC are fully in support of this legislation. Bear in mind, as this technology is deployed, drivers will be required to adjust and there will be a minimal spike in rear-end crashes during the initial phase. But, the public will become educated and the rear-end crashes will be reduced. The significant benefit will be a major reduction in the T-bone crashes which increase fatalities and property damage.

MICHAEL POEHLMAN (Police Chief, City of Reno):

I echo the comments already made and would like to make a few additional points. The Nevada Sheriffs' and Chiefs' Association across the State believes this is a critical public safety bill and an opportunity to demonstrate that we can impact and save people's lives and reduce the carnage caused by red-light runners. We have more than 20 officers assigned to do nothing but traffic enforcement. They have great difficulty in enforcing red-light violations at certain intersections because it is unsafe to do so. My men and women see the carnage that occurs and the innocent individuals who suffer because of red-light runners. I ask you to give us the opportunity to lessen the impact.

TIMOTHY KUZANEK (Nevada Sheriffs' and Chiefs' Association; Washoe County Sheriff's Office):

I also echo the statements already made. I was recently in Marysville, California, and had the opportunity to speak to some family members familiar with red-light intersections with cameras. It is my family's opinion the cameras do act as a deterrent.

The collective belief of the Washoe County Sheriff's Office is that this will be a deterrent once the educational component has been satisfied and, ultimately, lives will be saved. We are in support of this bill.

SENATOR HECK:

In looking through your written handout ([Exhibit F](#)), I note the statistics from the Philadelphia study show violations dropped after yellow lights were extended. Have we taken that incremental approach in Nevada?

MR. ADAMS:

I am not familiar with any efforts.

MR. PASUMARTHI:

Southern Nevada has standardized the length of yellow interval time for all intersections within the valley. The range depends on the size of the intersection. For example, Las Vegas Boulevard and Tropicana Avenue, a major thoroughfare, will have the highest possible interval the system can accommodate. The range is defined by the national standard set by the Federal Highway Administration's *Manual on Uniform Traffic Control Devices*. In addition, we have implemented an all-red clearance interval. This means, once a certain phase of traffic has moved through the intersection, there is a one-two second clearance interval afforded so anyone in the intersection is flushed through and there is no issue from a safety perspective. Yet, we have seen a significant number of people abusing the all-red clearance interval.

SENATOR HECK:

Again looking at the handout, [Exhibit F](#), under "Legal Process," the citation is dropped if the registered owner's picture does not match the violator's picture. Yet, in the bill there is no requirement for a picture of the violator. Do you plan on incorporating a picture of the violator or are you looking at just the plate and the car?

MR. ADAMS:

There are a number of different plans and applications throughout the nation. We would take a photograph of the license plate of the vehicle, the vehicle going through the red light and the date and time. The citation, like a parking citation, would be to the registered owner of the vehicle.

SENATOR HECK:

What happens to the registered owner who is not driving the vehicle?

MR. ADAMS:

It would be the same as a parking violation. The registered owner is responsible. We are here to educate the public. This would not be a financial deterrent and would not create points on their driving record. We think this is a step to stop the carnage. It has been proven in other jurisdictions.

CHIEF PERESI:

Section 5, subsection 2, paragraph (b), subparagraph (3) of S.B. 61 affords an appeal process and opportunity to challenge the citation by appearance before a magistrate, justice or judge, as appropriate. Part of the difference between a front and a rear process is that we are not pursuing criminal charges. There is a presumption that the owner has possession and control of the vehicle.

CHAIR NOLAN:

As part of the citation, do they send a digital image of the car?

MR. ADAMS:

I have an example of a citation ([Exhibit G](#)). It shows the vehicle, the license plate and the vehicle in the intersection in relation to the red light.

SENATOR CARLTON:

The way I see this, the violation is running a red light. If the police office pulls you over and issues a citation, it will be a moving violation, which will have points and the appropriate assessment by the court. But, if the camera causes you to have a citation mailed to your home, it will not carry the same weight; it is going to be like a parking ticket, not a moving violation. We will be treating the same offense two different ways.

MR. ADAMS:

That is correct. We do not have manpower to police our intersections around-the-clock. Our purpose is to educate the public. It would be the same as if an officer pulled you over and issued a warning. It is a method of enforcement we have at our discretion. This gives us another tool.

SENATOR CARLTON:

Do you have a dollar amount associated with this citation?

MR. ADAMS:

It would be the lowest parking violation applicable in the jurisdiction plus the cost of administering the camera. I have a representative from one of the companies who can give you an estimate of the cost.

SENATOR CARLTON:

So, we are going to pay for the ticket and for the picture taken to give us the ticket. Is that correct?

MR. ADAMS:

Yes, that is correct.

SENATOR CARLTON:

Will there be assessment fees if a person decides to challenge it in court?

MR. ADAMS:

I do not believe assessment fees apply to parking tickets, but I will find out.

SENATOR CARLTON:

What is the cost of the moving-violation citation?

CHIEF POEHLMAN:

The cost is in excess of \$200.

SENATOR LEE:

How will North Las Vegas decide on what intersections will have the cameras?

CHIEF PERESI:

We have our own Geographic Information Systems tracking the intersections of our city. I have a list of the intersections with the top-ten accident rates for serious injuries and fatalities.

SENATOR LEE:

Who will finally act upon this? Is it something you can direct the city to do?

CHIEF PERESI:

We would look at it as a partnership with the RTC and city traffic engineers and be as efficient and as strategic as possible in placing the cameras.

SENATOR LEE:

Would you and the RTC decide, or would the city council have some oversight?

CHIEF PERESI:

We would make the recommendations with our city traffic engineer and the RTC.

SENATOR LEE:

Will there be a public service announcement (PSA) or signage to train our citizens so people will not be rear-ending people?

CHIEF PERESI:

We are supportive of posting to tell people there is photo enforcement in the city. It would be appropriate to post beforehand to notify drivers that cameras will be deployed in an intersection effective on a certain date. Again, it is an education, not a "gotcha" process.

SENATOR LEE:

Is there money to do a PSA on television?

CHIEF PERESI:

We can put together a PSA.

MR. ADAMS:

We can work through the Office of Traffic Safety, Department of Public Safety. It is part of our statewide traffic-safety program and their job is to help us with education. A PSA is something we can share with them; it is doable.

SENATOR HECK:

I need to disclose that in my private capacity I have a business relationship with both the North Las Vegas Police Department and the Las Vegas Metropolitan Police Department. Since this bill would not affect those entities more than other law enforcement agencies in the State, I will be able to vote on the bill.

CHAIR NOLAN:

We will now hear from opponents to S.B. 61.

CRAIG HARTMAN:

The bill states that agencies have to report back to the Legislature. I know what they are going to say. They will tell you the same thing that has happened in other jurisdictions. I have read about these red-light cameras. Accidents actually do increase. Rear-end accidents increase. Senator Heck mentioned a study done back East regarding increasing timing of yellow lights. It would be a cheaper alternative.

CHAD DORNSIFE (Executive Director, Best Highway Safety Practices Institute):
Red-light cameras and signal timing at intersections is one of my specialties. I have given speeches to the Institute of Transportation Engineers regional meetings on these issues.

We heard a lot of numbers and purported factual statements, starting with the 952 deaths attributed to intersection collisions. There is no correlation to those 952 deaths and red-light running. They could be right-of-way or a million other things. More important, what is really upsetting here is that this bill, as written, is a copy of the model law the National Highway Traffic Safety Administration has put out for cities and counties. The goal of that model law was to eliminate pesky due process. By fining the vehicle owner, they can streamline the collection of fines. You are guilty until proven innocent. You do not go in front of a judge, you go in front of an administrative clerk. You may appeal to a judge. If you are a business owner and you own 20 vehicles and 3 of them get a ticket, you do not know who was the alleged violator. It is just another tax.

California has a cute little system where the police officers, judges, district attorneys and everybody in the court system have their license protected so you cannot run a Department of Motor Vehicles check on them. Any protected plate that goes through a red-light camera does not get cited. This is a double

standard on an unimaginable scale. There is no pretext of safety. If this is a "safety" program, there is no penalty to the driver for violating a red light.

MR. DORNSIFE:

What is really bad is that there is no standard for signal timing in the State of Nevada. In the Las Vegas Valley, you can go from city to city on the same roadway and find a second or two or three difference in the time on the yellow lights from jurisdiction to jurisdiction. When the red-light cameras first came out, we started arguing the law and we took the different jurisdictions to court. The old law said you do an engineering study and make sure the signal timing meets the needs of traffic. Because we were winning, the requirement was removed. Now, there is no standard.

Every jurisdiction can do whatever it wants. There is no way to challenge it, no way to argue it, and no one to argue in front of because you are not in front of a judge. This is a fine-collection system on steroids. If you want to argue that you were not driving, are you going to testify against your wife?

If intersection safety is the goal, this is not the way to do it. If you did an engineering study to determine signal timing, which they do not do, it would determine what the public consensus has found safe for a road. If the traffic is doing 45 miles an hour in the engineering study, it is the traffic engineer's job to make sure the traffic-control device meets that need. You need roughly one second for every ten miles an hour of approach speed for adequate yellow. The yellow only gets you to the stop line; it does not get you through the intersection. Then, you are supposed to add all red to make sure you get clearance time.

Reno will have 45- to 50-mile-an-hour traffic, but every intersection in the city has the same signal timing. They are giving cross traffic a green light a second before they know all the traffic has cleared the intersection. Of course you have a lot of red-light running. Your signals are not timed to meet the needs of traffic. The same thing happens in Las Vegas. To set the yellow according to the size of the intersection allows for an arbitrary number that does not reflect the traffic speeds. Where you get into trouble with high-speed, right-angle collisions is during off-peak periods, not during peak periods. Ninety percent of these tickets issued as a result of these cameras will be when the cars are moving two or three miles an hour. The incidents that are killing people occur when the cars are moving 40 or 50 miles an hour.

MR. DORNSIFE:

This bill is not about safety. Somebody has been sold a bill of goods that this is the way to collect money from the public without having to go through the court system. It is a shortcut to the fine-collection process.

The State of Michigan with the American Automobile Association looked at every intersection, looked at the size of the traffic stream, the approach speeds and the site distance, and went through engineering procedures to see what they could do. They saw up to a 77-percent reduction in accidents through proper engineering measures. That study never saw the light of day. You would be hard-pressed to find the report anywhere because the camera people, who are the same people who do the parking tickets and the city software, want to use the camera system because they have the infrastructure in place to collect the money. This is an automated way to expand their operational base.

In a city where red-light cameras are in place, reduction in red-light violations is attributed to the cameras. However, looking over the two-year period, you will see the reductions came about because of the engineering changes to the intersections during the evaluation period and not because of the red-light cameras. Not a single one of these studies has survived peer review.

If the cameras could stop red-light running, the business model would fail, on its face. You need a sustainable number of identified violations. As an engineer or city, I quantify a high-violation intersection. I do not fix the problem; I need to have 3,000 violations a month at that intersection for this to be financially viable. There is no incentive to fix it; just the opposite is true.

LYNN CHAPMAN (Nevada Eagle Forum):

I know about red-light runners. I had an experience with someone who ran a red light and smashed into my car. I have provided you with a copy of my statement ([Exhibit H](#)).

The red-light cameras seemed like a great idea to Albuquerque, New Mexico, city officials until they started catching colleagues on camera. Then, city police and bus drivers filed a lawsuit, having discovered it did not seem fair to get a ticket in the mail from a machine, with almost no recourse to challenge it. The complaint was that the ordinance violated common law because it irrationally declares city vehicles public nuisances.

Monterey Park, California, rejected red-light cameras and, instead, chose to make a number of engineering improvements, including adjusting signal timing. Cupertino, California, dropped the devices in 2004, saying the safety results were mixed. Studies show, although T-bone accidents are reduced, the number of rear-end accidents has tended to rise.

Fresno, California, dropped the red-light cameras in 2005 and Santa Rosa, California, dropped them in 2000 because they did not bring in enough revenue. The impact of the red-light camera systems is up for debate, but the systems are still attractive revenue generators for local governments and the private companies that make, sell and maintain them. Cameras raise privacy concerns. New Hampshire, Virginia and Indiana have moved to ban or limit use following failed attempts to introduce the cameras to Hawaii, Louisiana, Michigan, Missouri and West Virginia.

EDWARD GOBEL (CONVO, Go West Institute):

This measure clearly violates the Fourth and Fifth Amendments of the U.S. Constitution. Many points I was going to make have already been made by the last two speakers.

The cameras cannot identify the driver of the vehicle, and that is the reason for issuing a parking ticket instead of a citation for a moving violation. People will contest every citation for a moving violation, if you have two standards. The threat of a parking ticket for this type of violation will not reduce red-light running any more than parking tickets stop people from parking illegally. The way to challenge one of the tickets is to force you to testify against yourself or your spouse, which is a clear violation of the Fifth Amendment of the U.S. Constitution.

Minnesota Mining and Manufacturing Company produces a film to put over license plates which makes it difficult for the cameras to get a clear picture of the plate. We have not heard any evidence saying this measure will reduce accidents. This is all about money. It cannot be a moving violation because it violates our U.S. Constitution.

LINDA WEST MYERS (CONVO, Go West Institute):

We seem to be giving up quite a bit of freedom for no real safety with this proposed legislation. Other measures, such as longer yellow lights and keeping unlicensed drivers off the road, have proven to be effective without violating our

Fourth and Fifth Amendment rights. We respect law enforcement people. Simply the sight of their vehicles or uniforms is the best deterrent to those who might violate the law.

NICHOLAS C. ANTHONY (Legislative Relations Program Manager, City of Reno):
We support the proposed legislation.

SENATOR CARLTON:

I have not heard discussed the jurisdictions that have removed the cameras.

TOM CONLIN (Captain, Traffic Bureau, Las Vegas Metropolitan Police Department):

A Virginia Beach, Virginia, study illustrated that red-light violations more than tripled when red-light cameras were removed in 2005.

I disagree with Mr. Dornsife's statement that this is nothing but a ploy to generate revenue for local government. Studies have shown revenue generation tends to drop off as people get used to and understand red-light cameras. Mr. Dornsife also said it makes an unsustainable business model. Again, I disagree. By the time red-light cameras have been in place a while, the cost is down. The goal of reducing red-light running is what law enforcement is about. We in law enforcement do not see a dime of red-light revenue. We do not do policing for profit. Red-light cameras do reduce red-light running.

The folks who oppose red-light cameras contradict themselves when they say red-light cameras are not a proven deterrent, yet rear-end crashes increase because they are in place. People do not rear end each other unless they are trying to stop.

We just had the National Basketball Association all-star weekend here in Las Vegas. In order to maintain traffic flow along the Tropicana Avenue corridor, I was forced to put eight traffic officers at intersections, and their sole job was to stand in uniform with their motorcycles and flash their lights, honk their sirens and make people obey the traffic signals when a light went from green to yellow. We cannot afford to put eight or even four officers on every intersection to stop red-light runners. It is not cost-effective, but red-light cameras are.

We have a red-light-running problem in southern Nevada; it is a huge issue. Red-light cameras in concert with a public education program through the media, posted signs at intersections telling people red-light cameras are in use, and possibly lengthening the yellow-light cycle will bring about dramatic results. It has been proven in other jurisdictions.

As mentioned by our representative from the NDOT, just lengthening the yellow-light cycle does not necessarily deter red-light running. In concert with everything else, red-light cameras will work.

ERIN BREEN (Co-principal Investigator, Safe Community Partnership Program, Transportation Research Center, University of Nevada, Las Vegas):

The first time we met to discuss photo enforcement, 70 communities across the United States used photo enforcement for red-light runners. The last time we met, during the 2005 Session, 120 jurisdictions used photo enforcement. Today, there are 200 communities who have found using photo enforcement a way to effectively reduce red-light running, thereby reducing crashes in intersections and the fatalities and serious injuries that occur. Study after study has shown a reduction in crashes at intersections with photo enforcement.

As part of my job, I work with both enforcement and engineering. I have been at meetings in Clark County where every engineering entity worked out yellow-signal timing for Clark County. Mr. Dornsife is incorrect; there is a standard for yellow signals in Clark County.

I believe a citation is the best education a driver ever gets. As a safety advocate and someone who has lived in Clark County for over 40 years, I am tired of drivers taking my life in their hands. It is time for us to take a serious look at this problem and come up with a way to address red-light running. Photo enforcement is the way to do it. We have reams of research on this subject and would be happy to provide it to you.

CHAIR NOLAN:

We would like to see the information you have. Mr. Dornsife, we would like to see the information you have on those states that have implemented cameras. We would like our Legislative Counsel Bureau to validate the information we receive.

MR. DORNSIFE:

I have some printed information ([Exhibit I](#)).

RONALD R. CUZZE (Nevada State Law Enforcement Officers' Association):

We fully support this bill. This is an excellent idea. It provides for a pilot program, which means the jurisdiction will use it for a couple of years and report back to the Legislature.

COLONEL CHRIS PERRY (Chief, Nevada Highway Patrol, Department of Public Safety):

The Nevada Highway Patrol supports S.B. 61. In 2006, our agency investigated nearly 2,400 traffic crashes that occurred at or near intersections controlled by traffic signals. Many intersections are within the city jurisdictions that may be eligible for automated traffic-control cameras. It is an excellent enforcement program that would deter drivers from running red lights and would increase traffic safety on Nevada highways.

The majority of my intersection collisions occur adjacent to high-speed roadways. Typically, they are people exiting freeways at ramp speed. Multiple studies have shown that automated enforcement decreases red-light violations by 25 percent to 50 percent. Applied to my statistics, my crash rate would go down between 600 and 1,200 crashes per year.

MICHAEL D. GEESER (American Automobile Association Nevada):

We have studied the red-light cameras and have developed a set of criteria that can make this an even better tool in stopping red-light runners. If this matter goes to a workshop, we would like to participate and offer the criteria to the authors of the bill and get the best possible bill for Nevada.

CHAIR NOLAN:

We will close the hearing on S.B. 61 and open the hearing on S.B. 42.

SENATE BILL 42: Makes failure to wear a safety belt in a motor vehicle a primary offense. (BDR 43-329)

MR. ADAMS:

I have provided you with a copy of my prepared statement ([Exhibit J](#)). In 2006, Nevada had 432 highway fatalities. What is disturbing is that 145 of those victims were not buckled up. National statistics show that, if the individuals

were wearing seat belts, 72 lives would have been saved. We are asking for a law to allow our officers who observe a driver or passenger not buckled up to make a traffic stop and take appropriate action. Many people refer to this legislation as primary seat belt legislation. I prefer to refer to it as standardization of enforcement.

Today, an officer can make a traffic stop and take appropriate action if he or she observes a broken headlight or observes a child 5 years or younger or less than 50 pounds and not in proper restraints. But, if we see a driver or passenger unbuckled, we cannot make the stop and advise them that by buckling up they can increase their survivability by 50 percent. We have to wait until another violation occurs. Only then can we advise or cite the person on the seat belt violation. I have included a handout with some statistical information prepared by the NDOT ([Exhibit K](#)).

Senate Bill 42 deletes language limiting the use of a seat belt citation to when a vehicle has been stopped for another violation. The change in law is the recommendation of the Nevada Comprehensive Highway Safety Plan put together by Nevada law enforcement, the NDOT and the Department of Public Safety.

CHIEF POEHLMAN:

We produced a public safety announcement this past spring targeting the young people who are dying on our roadways at an alarming rate by not wearing their seat belts. It ran during the National Basketball Association finals last year. We targeted that time period. It cost over \$200,000. Education is just one piece of this effort. Enforcement is another. We are asking for the ability to provide the proper enforcement by having this as a primary law.

MR. GEESER:

We are throwing our full support behind this bill. I have included a letter of support ([Exhibit L](#)). We have had this discussion in Nevada for quite some time. It is pertinent to note there is more information to add to the conversation now. It has been determined that there is a direct correlation between adults buckling up and children buckling up. Crashes are the leading killer of children up to age 14 in our country right now. A University of California, Irvine, study report in *The Journal of Pediatrics* found driver-restraint use was the strongest predictor of child-restraint use and a restrained driver was three times more likely to restrain a child.

Why else should Nevada have a seat belt law? It costs us money not to, not just the money from federal funding, but in health care costs. For example, inpatient hospital care costs for an unbelted crash victim are 50 percent higher than those for a crash victim who was wearing a seat belt. Society picks up 85 percent of those costs. A seat belt is a safety component of a car, just like the brakes, the turn signals and the rearview mirrors.

SENATOR AMODEI:

The insurance industry has been in full support of this bill since I have been in the Legislature, without anybody challenging any of the lifesaving and injury-avoiding accident facts whatsoever. Those facts are a key part of how rates are set. Changing this to a primary offense would mean tickets, traffic court, and points on a driving record. In the face of uncontroverted testimony by the insurance industry that it will save lives and reduce injuries and medical costs, why will no insurance company in Nevada say it is going to reduce premiums?

MR. GEESER:

You make an excellent point. The merits of this bill speak to safe driving, which translates into rates. I cannot sit here at the table and set rates, but I would like to come back and talk with you. There is a correlation between safe driving, safe behavior, no accidents and better rates. I would be happy to come back with actuaries and discuss rates.

SENATOR AMODEI:

That question has been on the table for ten years. This is not a law enforcement issue; this is an insurance issue in my mind. Before I will vote to start putting points on people's driving records for not wearing seat belts, I want to at least be able to say their rates will go down if they do wear seat belts. There ought to be some mechanism for a seat belt discount. There is no upside here. Where is the ameliorative effect on insurance rates?

JAMES MILLER (Sheriff, Storey County):

I am on the board of the Nevada Sheriffs' and Chiefs' Association, which supports this bill. On my trip here today, I was next to a car with several young people who were jumping from the front seat to the back seat on the State highway. This is a serious issue. I can say that in over 30 years in law enforcement in Carson City, Elko and as Sheriff in Storey County, it is an awful scene when you are dealing with victims and you realize the difference it might

have made if they had just taken the time to fasten their seat belts or we had had the opportunity to stop them and take action.

Mr. Cuzze:

We support this bill. Please remember, if this primary seat belt law goes into effect, it will allow an officer to make a stop just to tell them to put on their seat belts. The officer has the discretion to cite or not to cite. Normally, the officer will simply give a warning and the driver and passenger will drive off in a safer condition.

BILL PARKER (Stop DUI):

Stop DUI supports S.B. 42, which we believe will save the lives of Nevadans and increase safety among the motoring public. Nationally, 39,000 people are killed in automobile accidents each year and we estimate that 10,000 people could be saved annually through the use of seat belts. The *Las Vegas Review-Journal* reported an accident involving a car crash that was investigated just 11 days ago and points to the need for a primary seat belt law. A 57-year-old woman was driving a vehicle that went off the road, struck a concrete barrier, hit a traffic light pole, rolled over onto its top and skidded several hundred feet. The driver was partially ejected and died at the scene. However, two young children in the back seat in child-restraint seats suffered only minor injuries.

JOHN PHILLIPS:

I am the owner and instructor of Drive Friendly Driving School in Las Vegas and Henderson. I teach a 30-hour course for teenagers and also teach traffic school and defensive driving. I have been in the business for seven years. I am also a member of the Nevada Driving School Association, which supports this bill.

Each year we lose about 45,000 people in traffic accidents. We are in the midst of a national epidemic. If this many people were to die from one disease in a single year, Americans would demand a vaccine. The irony is that we already have the best preventative available to reduce the death toll on highways: seat belts. Twenty-three states have primary seat belt laws. All have seen marked reductions in their fatality-injury rate. Wearing a seat belt is the simplest and least expensive way to reduce deaths and serious injuries.

JOSEPH GUILD, III (State Farm Insurance Company):

State Farm Insurance Company supports this bill. An insurance company cannot guarantee reduction of rates when a bill is passed which contributes to the safety of the driving public. However, I will provide some detailed information on what goes into rate making and underwriting. Bills such as this passed into law in places other than Nevada have resulted in significant reduction in the severity of motor vehicle accidents. That, in turn, results in a reduction in the severity of the claims.

There is a correlation between rates and good laws such as this. I can come back at a later time on behalf of State Farm and provide information. I would be happy to sit down with any member of the Committee, individually, as well.

SENATOR AMODEI:

I recommend we ask the Insurance Commissioner to look at the states with primary seat belt laws and see whether automobile insurance premiums went down as a result of the law being enacted. If the Insurance Commissioner's office cannot do it, we can ask the Legislative Counsel Bureau staff. I know when a law involves points on a driver's license, most insurance companies' premiums go up. Before we unleash the traffic law enforcement resources of the political subdivisions in Nevada on increasing insurance rates on something for which there is no upside, I would like to know what has happened in other states.

PAUL ENOS (Nevada Motor Transport Association):

Truck drivers have one of the worst records for wearing seat belts. In 2006, about 60 percent of the drivers wore seat belts. This law would help assist in the education effort of our drivers and save lives.

CAPTAIN CONLIN:

Seat belts do save lives. My fatal traffic accident investigators will all tell you seat belts do save lives. We have a mandatory seat belt law in place. You obey it every time you get on an airliner, and I do not see anybody trying to fight that. The Federal Aviation Administration mandates that you wear your seat belts at all times during takeoff, taxi and landing. We have a lot more car crashes than airline crashes. As Frank Adams told you, 145 people died in car crashes last year and 72 of them probably would have survived with seat belts. That adds up to about \$1.28 million per fatal crash, according to State statistics. It means Nevada lost \$88 million last year. Those who advocate the

repeal of motorcycle helmet laws are taking the same position they do on seat belts: it is a matter of personal freedom. It is not an individual freedom. As stated by Mr. Geeser, the general public pays for about 75 percent to 80 percent of all crash costs in emergency medical services, loss of productivity and so forth. All those costs are paid by the people of Nevada. As a Nevada citizen and an individual, I would like to be free of having to foot the bill for those preventable costs incurred by people who choose not to honor Nevada's laws by wearing their seat belts.

CAPTAIN CONLIN:

Some opponents of a primary seat belt law make several claims. One is that seat belt laws are revenue generators. That is not the case. Another claim is that primary seat belt laws induce programs for quotas. Officers do not have quotas. Opponents claim that officers will use it as a pretense to stop somebody. There is no room in policing for pretense stops or bias-based policing.

As a former ambulance crew member, I have seen too many survivable accidents that were not survived. Front and side airbags do not replace seat belts; they are labeled supplemental restraint systems. If an airbag deploys in your face and a seat belt is not there to keep you back, it is likely to drive your head up through the top of the vehicle and through the windshield.

Some police officers think they should not wear seat belts because the bad guy might shoot them in the car. We have learned that seat belts save our lives and no cop has ever been shot in the car because he was trying to get out of his seat belt.

Many states are moving to consider primary seat belt laws. In Las Vegas in the last week, one out of two fatal crashes was, by every detective's opinion, completely survivable had the driver been wearing a seat belt. Las Vegas Metropolitan Police Department has four enforcement priorities: pedestrian violations, drunk drivers, certain accident-causing violations and number one on our list, occupant protection, child seats and seat belt laws. "Click it or ticket" is a campaign the State runs and we have it year-around in Las Vegas. I have directed my people to have a zero-tolerance policy toward seat belt violations. We think it had an impact last year. We had 163 fatalities; the year before, we had 184. Everywhere else in southern Nevada had increases in fatalities.

SENATOR AMODEI:

Do you have an opinion on whether this ought to be a reportable offense for the Department of Motor Vehicles and points on a driving record?

CAPTAIN CONLIN:

There is nothing in the bill regarding points. I do not think it should be a reportable offense for points on a driving record. Make it an infraction with the purpose of getting people to wear their seat belts and obey the law.

SENATOR CARLTON:

I have some concerns about "Click it or ticket." How many tickets have you issued?

CAPTAIN CONLIN:

I do not have the numbers. Our officers are directed to write a citation when they see the violation. The officers have come to the agreement that we would save more lives if we did write the tickets. My estimate is, out of 180,000 citations last year, 5 percent or fewer are seat belt violations.

SENATOR CARLTON:

Because he can pull a person over and write a secondary offense, how far can an officer go as far as inspecting the vehicle, checking what may be in the vehicle and who is in the vehicle when he pulls someone over on a random traffic stop?

CAPTAIN CONLIN:

Those issues are dictated by the circumstances of the stop and by the State and U.S. Constitutions. When the business of the traffic stop is over, that is as far as you go. A traffic violation does not give an officer license to search the vehicle for contraband or drugs. However, if an officer does see evidence of a crime or suspect activity, he can check further. For example, if we see a weapon or contraband or if we smell marijuana or notice other well-established clues that tell us other criminal activity is occurring, we can check further.

JASON M. FRIERSON (Office of the Public Defender, Clark County):

We are concerned about a police officer's ability to use this law as a pretext. The A.B. No. 500 of the 71st Session study verified that racial profiling occurs in Nevada. African-Americans and Hispanics are twice as likely as Caucasians to be stopped and removed from their vehicles and handcuffed.

Seat belt violations can currently be enforced as a secondary offense. Captain Conlin testified that it has worked. The possible pretext that would be involved with making this a primary offense is real. If an officer pulls someone over for a seat belt violation as a primary offense, by law he is not supposed to take it any further. Court cases have been upheld where an officer has acted on his instincts or hunches which reveal something else. It happens all the time.

The Public Defender's Office recognizes the concern of people losing their lives by not wearing seat belts, but we do not criminalize it. There are currently methods to protect children in a vehicle when it is observed they are not properly restrained, but this should not be a primary offense. The current law is adequate to deal with the problem and does not open the door for unconstitutional stops.

CHAIR NOLAN:

I remember A.B. No. 500 of the 71st Session as it came through the Legislature. I was under the impression that significant policy issues were put in place within the law enforcement community to prevent the profiling from occurring again.

MR. FRIERSON:

Not only were policies put into place, but the *Nevada Revised Statutes* were amended as a result of the finding of racial profiling. I bring it up to suggest that it does happen. They may not do it intentionally, but even when it is unintentional, safeguards need to be in place to make sure individuals are not targeted for reasons other than the violation.

COTTER C. CONWAY (Office of the Public Defender, Washoe County):

I echo some of the comments made by Mr. Frierson. My concerns are the potential for abuse. I refer the Committee to the Nevada Supreme Court's decision in *Gama v. State*, 112 Nev. 833. The court concludes that "Nevada motorists must look either to constitutional provisions other than those prohibiting unreasonable searches and seizures or to the Nevada Legislature if they desire to afford themselves greater protection against pretextual traffic stops." That is why I am opposing this bill or asking the Committee to consider putting in protections if they are going to make this a primary offense.

I will give you an example of what can happen on a traffic stop: an officer saw an individual he believed was involved in the sale of narcotics on the streets of

Reno. The individual made a wide left turn and the officer pulled him over. He then proceeded to have the person removed from the vehicle, patted down the individual at his consent and searched the car, also with the person's consent. The officer did not find anything, but then arrested the individual and found narcotics through a strip search. The evidence was suppressed because the Legislature had put forth a protection that you cannot be arrested if a citation would have been appropriate.

These are concerns of the Nevada Supreme Court. The court has pointed to you as the legislative body to address those concerns and afford the citizens of Nevada greater protections than either the current U.S. Constitution or Nevada Constitution allows. That is our concern about making this a primary offense.

MS. CHAPMAN:

I refer you to my handout ([Exhibit M](#)). Laws should not protect careless people from themselves. People who do not buckle up are not making anyone else less safe. New Hampshire, the only state to lack seat belt laws, has the fourth safest roads in the nation. One study cited in my handout theorizes that when a safety feature is added to a car drivers compensate for the greater perceived safety by driving less carefully. Safety features do not necessarily save lives and seat belt use should not be a primary law.

MR. GOBEL:

I have learned a lot from Captain Conlin's testimony. If this law will not result in points on a driving record, that is an important consideration. If we are talking about safety, we ought to outlaw sport utility vehicles (SUVs). More SUVs, by a wide margin, are involved in fatal crashes than any other kind of vehicle.

Stopping people for not wearing seat belts violates Fourth and Fifth Amendment rights. Massachusetts, with less-stringent seat belt laws, has the lowest number of fatalities. In Oregon, 63 percent of fatal traffic accidents involved people who had their seat belts buckled. Only 30 percent did not have their seat belts buckled. We need to look at some of those numbers.

How do we fund more police officers if we make this a primary stop? It seems to me a tremendous increase in the workload. Additionally, not one of the states with primary seat belt laws has had any decrease in insurance rates.

MS. WEST MYERS:

In 2004, about 80 percent of Americans used seat belts. Here we have 91-percent compliance. Secondary seat belt enforcement is working as an educational tool. To enforce seat belt use on 10 percent of the people, who are probably already risk takers, will put a phenomenal burden on the rest of us in terms of our Fourth and Fifth Amendment rights.

TRACI PEARL (Seat Belts and Pedestrian Safety, Office of Traffic Safety, Department of Public Safety):

The handout you are receiving is put out by the National Highway Traffic Safety Administration (NHTSA) ([Exhibit N](#)). The charts contain data on seat belt use in Nevada for 2006 and over a seven-year period ([Exhibit O](#)). Seat belts save lives and reduce injuries. The data on the charts is from the Fatality Analysis Reporting System in Nevada. Estimates and studies have shown over and over that if someone is belted in they are 45 percent less likely to have a serious injury in a crash, and 50 percent less likely if air bags are added. In 2006, half of the 145 not belted would still be with us today. Comparing fatalities with injuries, the difference in societal costs is about \$75 million.

Why use seat belts? They prevent ejection. Of the 145 persons not restrained, 93 were ejected. Many vehicles roll over in a crash. If you are ejected and get rolled over, you will not survive. The number of unrestrained fatalities has leveled off in Nevada and is not expected to improve significantly under the present law.

Nevada's 91-percent usage rate is for daytime, front-seat passengers only. The unbelted people dying in our crashes are primarily nighttime drivers, impaired drivers, young drivers and pickup occupants. Seat belt nonuse is most prevalent among our younger populations. Drivers ages 16 to 34 years, males, pickup occupants and those driving between 9 p.m. and 3 a.m. were not buckled in 62 percent to 70 percent of the time in these fatal crashes. An impaired driver was not buckled in 85 percent of the time.

We may have a daytime-skewed summer observational use of 91 percent, but our fatal crash use rates are telling us the 10 percent not using seat belts are the ones who are dying.

CHAIR NOLAN:

Who conducts the study with regard to seat belt usage and provides us with the 91-percent estimate?

MS. PEARL:

The study is conducted through the University of Nevada, Las Vegas, Transportation Research Center. The methodology is predetermined by NHTSA and has been the same since at least 1990 in Nevada.

CHAIR NOLAN:

It is estimating daytime drivers, is that correct?

MS. PEARL:

It is daytime hours only. The observers stand at street corners and look at front-seat occupants, only, in stopped or slow-moving traffic. This large difference between the observed rate during the day and rate of less-than-50-percent use in fatal crashes shows it is time for an improved law.

The booklet from NHTSA, [Exhibit N](#), addresses some of the profiling questions. To say this is a primary law suggests law enforcement will focus on it. The seat belt law is already a mandatory law. This will make enforcement standard, like other traffic laws. The federal government, under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users, is offering incentive grants to states that pass a standard enforcement law. This would mean \$5.4 million for Nevada in federal fiscal year 2008.

CHAIR NOLAN:

Is it a one-time grant to states that implement primary seat belt laws?

MS. PEARL:

Yes, it is a one-time incentive grant equal to 475 percent of the funds received in fiscal year 2003.

CHAIR NOLAN:

Is it specifically earmarked for particular projects?

MS. PEARL:

It can be used for any highway-safety project.

SENATOR LEE:

Is it your contention that the prime time for wrecks involving victims not wearing seat belts is from dusk to dawn?

MS. PEARL:

For Nevada, the lowest usage in fatal crashes was from 6 p.m. to 3 a.m. There is also a definite correlation between being impaired at nighttime and not being buckled.

SENATOR LEE:

Would this be a better piece of legislation, if you were not able to get the total primary bill approved, to have a 6 p.m. to 3 a.m. primary period?

MS. PEARL:

I am not qualified to answer that question. It sounds to me like an enforcement question.

LAWRENCE P. MATHEIS (Nevada State Medical Association):

For us, it is a simple call. The physicians who are in the emergency departments, the emergency medical services people and the public health people do not have a doubt about what is important. What is important is to not clog up the emergency medical services with people who are injured and dying when it is totally preventable. Overwhelmingly, in terms of the cost to the State, traumatic head injuries and permanent disabilities become public expenditures. Those are the injuries that occur. We know our emergency departments throughout the State are overwhelmed.

Talk to those people, personally, about what the experience is like. Whatever the insurance industry does or does not do, whatever law enforcement does or does not do, whatever the metaphysical qualities of dealing with the court system is, we do know the very real, practical effect of people not wearing seat belts. Our health care system is strained to the outer limits and is now failing because of the strain on the emergency rooms. I defer to Senator Washington who chairs the Legislative Committee on Health Care this year. A lot of what they have had to look at is the outcropping of what happens when the health care system is so convulsed by dealing with emergencies. When we can see a large, identifiable part of those emergencies that are absolutely unnecessary, it becomes minor to look at whether there might be abuse in the future. That 10 percent, or whatever the real number is, are spending too much time in our

health care system, and too many are dying unnecessarily after receiving heroic assistance.

For us, this is an easy call. The health care system's needs to provide the best possible care for those emergencies which are not preventable weighs heavily in trying to limit this to the lowest possible number.

LAUREL A. STADLER (Mothers Against Drunk Driving, Lyon County Chapter):
Seat belt legislation is a national priority for Mothers Against Drunk Driving because we have always advocated seat belt use as your best defense against a drunk driver. This is a matter of public safety and we support this legislation.

FREDERICK DROES, P.E. (Administration Division, Nevada Department of Transportation):

I am the Chief Traffic Engineer for the NDOT. I am also the Vice Chairman on the Nevada Executive Committee for Traffic Safety. We support this bill because we believe it is going to help achieve our goals to reduce severe and fatal crashes on the State's highways.

CHAIR NOLAN:

Thank you. We will also put you on record, Mr. Droles, in support of S.B. 61.

R. BEN GRAHAM (Nevada District Attorneys Association):

On behalf of the Nevada District Attorneys Association, I want to comment on what the public defenders said. First, they said this may be a pretext for stopping people. Then, they said there is case law to protect those who are wrongly accused because of the "pretextual" stop. With 180,000 citations issued, the police are not out there looking for any pretextual stops. I cannot think of any simpler way to keep from getting a citation for not wearing your seat belt than to put it on. If you want to do it or do not want to do it, that is fine. But, do not think it is a pretext to get to something more serious.

CHAIR NOLAN:

We will close the hearing on S.B. 42. Next, we have a bill draft request (BDR) introduction.

BILL DRAFT REQUEST 43-645: Revises provisions governing the contents and use of license plates for motor vehicles. (Later introduced as [Senate Bill 175](#).)

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SENATOR HECK MOVED TO INTRODUCE BDR 43-645.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR NOLAN:

There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security is adjourned at 4:02 p.m.

RESPECTFULLY SUBMITTED:

Carolyn Allfree,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____