

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

**Seventy-fourth Session
March 22, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 3:32 p.m. on Thursday, March 22, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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 Maggie Carlton
Senator John J. Lee

COMMITTEE MEMBERS ABSENT:

Senator Mark E. Amodei (Excused)
Senator Joyce Woodhouse (Excused)

GUEST LEGISLATORS PRESENT:

Senator Bob Coffin, Clark County Senatorial District No. 10
Senator Dina Titus, Clark County Senatorial District No. 7
Senator Valerie Wiener, Clark County Senatorial District No. 3

STAFF MEMBERS PRESENT:

Elana Graham, Assistant to Committee Manager
Nicholas Marquart, Intern to Senator Nolan
Matt Szudajski, Committee Policy Analyst
Lynette M. Johnson, Committee Secretary

OTHERS PRESENT:

Robert Roshak, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association
Joseph Johnson, Co-Chair Legislative Committee, Toiyabe Chapter, Sierra Club
Jason Frierson, Clark County
Kyle Davis, Nevada Conservation League
Frank Tepper
Steve Rypka
Michael Hackett, Farmers Insurance; Nevada State Medical Association
Kenneth Chambers, Operations Analyst, Nevada Department of Transportation
Jeanette K. Belz, Associated General Contractors, Nevada Chapter
Laurie Anne Grimes, Education and Information Officer, Office of Traffic Safety, Department of Public Safety
Carol Nicholson
Tim Rowe, Chair, Bicycle Advisory Board, Nevada Department of Transportation
Frank Adams, Nevada Sheriffs' and Chiefs' Association
R. Ben Graham, Clark County District Attorney
Tom Greco, P.E., American Society of Civil Engineers
Trent Baldwin, Engineering Project Manager, Reno-Tahoe International Airport

CHAIR NOLAN:

We will open today's meeting with the introduction of four bill draft requests (BDRs).

BILL DRAFT REQUEST 43-644: Makes various changes to provisions governing the regulation of motor vehicle manufacturers, dealers, distributors, brokers, rebuilders and lessors. (Later introduced as [Senate Bill 452](#).)

BILL DRAFT REQUEST 43-860: Requires the preparation and filing of certain reports by certain charitable organizations in connection with certain special license plates. (Later introduced as [Senate Bill 451](#).)

BILL DRAFT REQUEST 43-1391: Revises provisions governing the transportation of certain children in motor vehicles. (Later introduced as [Senate Bill 449](#).)

BILL DRAFT REQUEST 43-1140: Makes various changes to provisions relating to the regulation of oversized and overweight vehicles. (Later introduced as [Senate Bill 450](#).)

SENATOR LEE MOVED TO INTRODUCE BDR 43-644, BDR 43-860, BDR 43-1391 AND BDR 43-1140.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS AMODEI, WASHINGTON AND WOODHOUSE WERE ABSENT FOR THE VOTE.)

CHAIR NOLAN:

We will open the hearing on Senate Bill (S.B.) 206.

SENATE BILL 206: Clarifies provisions concerning the effect of certain signals exhibited by official traffic-control devices. (BDR 43-66)

SENATOR BOB COFFIN (Clark County Senatorial District No. 10):

You might be wondering why S.B. 206 is necessary. Many people are not aware that State law permits us to be in an intersection when a traffic signal turns red as long as we were in the intersection before the signal turned red. In such cases, the State law permits a driver to continue their turn without penalty. Clark County's code, however, is in conflict with the statute and it has become an inconvenience. The reason I am sponsoring this bill is because I had been approached with stories of drivers being cited for being in the intersection when the signal turned red. I asked several Las Vegas Metropolitan Police Department (Metro) officers about that and they said they usually did not issue citations for this offense. People have received citations for this. The Department of Motor Vehicles (DMV) *Driver's Handbook* shows that you are allowed to be in the intersection before it turns red. Perhaps the statute language should be clearer to avoid future confusion.

CHAIR NOLAN:

I have a question with the language on page 5, lines 1 and 2, " ... vehicular traffic ... entered the intersection" Does that mean the vehicle is completely in the intersection?

SENATOR COFFIN:

I am not sure. A vehicle is not to enter an intersection on a yellow or red traffic signal.

CHAIR NOLAN:

I understand the intent. I will address my question to law enforcement.

ROBERT ROSHAK (Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association):

Mr. Chair, I believe that would be a judgment call depending on the location of the vehicle. I would interpret that language to mean that the complete vehicle has entered the intersection.

CHAIR NOLAN:

Would it be clearer if the language said " ... vehicular traffic in question is in the intersection ... "? This should be answered by Ms. Wilkinson, our Committee Counsel, who is not here at the moment.

MR. ROSHAK:

"Also, if I can just put on record, Metro—when we enforce the intersection violations, we do abide by the NRS and we do allow vehicles to clear."

CHAIR NOLAN:

We will bring this bill back to the Committee. Senator Coffin, your bill seems straightforward, and we do not have every Committee member present. Other Committee members should be arriving shortly, and I would like to get our Committee Counsel's input before we take action on S.B. 206. Hopefully, we can process this bill expeditiously.

CHAIR NOLAN:

We will close the hearing on S.B. 206 and open the hearing on S.B. 241.

SENATE BILL 241: Waives certain license plate, title and registration fees for a hybrid vehicle in certain circumstances. (BDR 43-780)

SENATOR DINA TITUS (Clark County Senatorial District No. 7):

I urge you to support this bill, S.B. 241, and will read from prepared testimony ([Exhibit C](#)). My testimony refers to some pictures of hybrid vehicles and various states offering benefits to hybrid vehicle owners ([Exhibit D](#)). My testimony also

refers you to a Website that calculates your vehicle's emissions. It then converts those emissions into bags of charcoal. I had my attaché Annette Magnus, calculate the total emissions for her car. She drives a 2000 Mitsubishi Mirage, which is a small car. Within the last month, she drove 1,000 miles and her emissions equaled 709 pounds. Based on the Website's calculation, that is the carbon dioxide equivalent of the solid carbon content of 10 20-pound bags of charcoal and it will take 11 mature sugar maple trees to offset those emissions.

JOSEPH JOHNSON (Co-Chair Legislative Committee, Toiyabe Chapter, Sierra Club):
We urge your support of S.B. 241 to promote the purchase of hybrid vehicles to protect air quality, save fuel and lower the overall price we pay for gasoline.

JASON FRIERSON (Clark County):
We support S.B. 241 and the intention to encourage the use of hybrid vehicles. Our only concern is that S.B. 161 also addresses hybrid vehicles and may have a different definition. I do not believe it would affect S.B. 241; we would like to maintain consistency between the different bills. Senate Bill 161 addresses federal tax implications and refers to the *Code of Federal Regulations*, which may address the definition of hybrid vehicles.

SENATE BILL 161: Revises the requirements for the inspection of motor vehicles for the control of emissions. (BDR 40-252)

KYLE DAVIS (Nevada Conservation League):
We support S.B. 241 and incentives that encourage people to buy and use hybrid vehicles. This will lower emissions whether they are toxic or greenhouse emissions. We think it is good to bring down those emissions.

SENATOR CARLTON:
I am concerned that this bill does not include electric vehicles in the current definition. Can we include electric vehicles in this bill?

SENATOR TITUS:
That change would be fine with me.

FRANK TEPPER:
I support S.B. 241, and will read from prepared testimony ([Exhibit E](#)).

CHAIR NOLAN:

We will include your data in the record and provide it to the Committee members.

STEVE RYPKA:

I enthusiastically support S.B. 241 and incentives to use efficient hybrid vehicles. I have been driving hybrid vehicles for almost seven years. Both my wife and I drive hybrid vehicles and have reduced carbon dioxide emissions by 75,000 pounds. Promoting the use of hybrid vehicles is important in light of the issues with climate change. It is important to reward efficiency, and I applaud your efforts. Senator Titus mentioned that this is a small step but a step in the right direction. We can reduce foreign oil imports and save money by using hybrid vehicles.

MICHAEL HACKETT (Farmers Insurance):

We support this bill. Farmers Insurance was one of the first insurance companies to offer discounts to owners of hybrid vehicles so we feel this bill is consistent with their view on hybrid vehicles.

KENNETH CHAMBERS (Operations Analyst, Nevada Department of Transportation):

The Nevada Department of Transportation (NDOT) opposes this bill, S.B. 241. The NDOT does support, embrace and welcome the use of hybrid vehicles. However, because of our current user structure, this bill will have a negative impact on the State Highway Fund. The impact to title, registration and license plate fees will be for registration and administrative costs. Also, revenue generated by gasoline taxes goes into the State Highway Fund. The NDOT opposes any bill that reduces monies to the State Highway Fund even though the fiscal impact to the State Highway Fund from this bill is minimal. The incentive for owning hybrid vehicles is built into them. If a hybrid vehicle is using half as much fuel, then the driver is paying half as much in fuel taxes.

CHAIR NOLAN:

I understand your opposition and appreciate your testimony. That is a policy question we will be looking at in future hearings.

SENATOR HECK:

As Senator Titus mentioned, we are looking at a \$3.8 billion shortfall in the State Highway Fund. The fiscal note supplied by the NDOT for this bill projects

a loss of \$29,000 to the State Highway Fund. While the policy issue is there, we have bigger concerns facing us.

JEANETTE K. BELZ (Associated General Contractors, Nevada Chapter):

I appreciate Senator Heck's comment. From reviewing the fiscal note, I see a loss in revenues to registration and title fees of \$183,000 and \$111,000, respectively. Am I reading the fiscal note correctly?

CHAIR NOLAN:

You are reading the Effect on Future Biennia column. I will defer to Senator Heck.

SENATOR HECK:

There are two separate fiscal notes: one from the DMV's Research and Development Division, and the other from the NDOT. I was specifically addressing the impact to the State Highway Fund which is \$29,000 and also the loss from gasoline taxes due to people driving hybrid vehicles. I believe the other lost revenue will impact administrative costs as indicated by Mr. Chambers.

SENATOR TITUS:

That is my understanding. Most of the lost revenue will impact administrative costs. Revenues generated by the gasoline taxes are used for highway construction. I would also like to mention that the fiscal note was calculated based on a growth estimate provided by the Office of the State Demographer and based on the fact that more hybrid vehicles will be available. These fiscal notes are an estimate.

CHAIR NOLAN:

We will have our staff look into the specifics behind the fiscal note. We can look at current and projected sales rates of hybrid vehicles. I feel we should be focusing more on the policy issues related to the State Highway Fund.

MS. BELZ:

We have consistently been testifying on bills that erode the State Highway Fund, which is the reason I am here. Hopefully, the impact to the State Highway Fund would be small. Also, as more and more hybrid vehicles use the roadways they will also be contributing to their degradation.

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CHAIR NOLAN:

We will close the hearing on S.B. 241 and schedule it for a work session. We will open the hearing on S.B. 207.

SENATE BILL 207: Makes various changes to provisions concerning bicycle safety. (BDR 43-130)

SENATOR VALERIE WIENER (Clark County Senatorial District No. 3):

I urge your support for S.B. 207, and will read from prepared testimony ([Exhibit F](#)). I have also included additional information and e-mails for the Committee to consider ([Exhibit G](#) and [Exhibit H](#)).

CHAIR NOLAN:

I am the cosponsor on this bill and have previously heard this issue before the Legislature. I have conceptually agreed with the need for children to wear helmets when they are riding bicycles. It is normally considered a parental responsibility that some parents advocate; it may be a matter of not being knowledgeable or not really understanding the implications of having a child with a head injury. However, one of my greatest reasons for supporting this bill is that every session we hear the request for the repeal of the motorcycle helmet law. A group consistently makes the argument that children riding bicycles do not have to wear helmets. Therefore, I decided to support this bill and represent their position on this particular issue. To the motorcycling community that would like to require children to wear a helmet while riding a bicycle, this is your opportunity and I thank you for your support. I may have staff research previous records and specifically include them in favor of this bill. I am also aware of the challenges law enforcement have faced in enforcing this matter. I see that Senator Wiener has taken that into consideration; therefore, I think this bill is palatable.

SENATOR LEE:

Does this bill require all bicycle riders to wear helmets?

SENATOR WIENER:

This bill only addresses children who are riding or are a passenger on a bicycle and are under the age of 18.

SENATOR LEE:

Will there be helmet standards?

SENATOR WIENER:

The Department of Public Safety will establish the helmet standards.

SENATOR LEE:

Will this bill apply to people riding off-road or trails?

SENATOR WIENER:

Yes, if they are less than 18 years old. It does not specify any exceptions.

LAURIE ANNE GRIMES (Education and Information Officer, Office of Traffic Safety,
Department of Public Safety):

I cannot take a position on this bill, but I am here to provide general information ([Exhibit I](#)).

CHAIR NOLAN:

Did you want to testify or are you giving us the information to review?

MS. GRIMES:

I have provided a map of the United States that shows the states with mandatory bicycle helmet laws, [Exhibit I](#). The following pages are the bicycle standards. These are the standards set forth by the U. S. Consumer Product Safety Commission (CPSC), the American National Standards Institute, the American Society for Testing and Materials and the Snell Memorial Foundation. Finally, all bicycle helmets manufactured after March 10, 1999, have to follow the CPSC standards.

CAROL NICHOLSON:

I urge you to support S.B. 207, and will read from prepared testimony ([Exhibit J](#)). Prior to today's hearing, I purchased three helmets to demonstrate their affordability. I purchased helmets for three different age groups. The costs ranged from \$7 to \$14 to save a child's life and they are all CPSC-approved. The average cost to the State for a head trauma or head injury is approximately \$26,000. Compare the 2 costs: \$14 to save a child's life versus \$26,000 incurred by the State.

TIM ROWE (Chair, Bicycle Advisory Board, Nevada Department of Transportation):

This bill will provide increased safety for our children. Our children need the extra edge since many parents are not aware of the protection a helmet can provide. I support S.B. 207 and have provided prepared testimony ([Exhibit K](#)).

SENATOR LEE:

Is there a law requiring adults to wear a helmet? What is the current bicycle helmet law?

MS. GRIMES:

At present, there is not a State law requiring anyone to wear a bicycle helmet. The Indian Colonies have enacted laws requiring the use of bicycle helmets.

FRANK ADAMS (Nevada Sheriffs' and Chiefs' Association):

We support S.B. 207 and believe it is good public policy.

MR. ROSHAK:

We also support S.B. 207. We think it is good public-safety legislation and children do need an incentive to wear bicycle helmets. Hopefully, this will make parents aware and help save lives.

SENATOR LEE:

I do not understand how you are going to issue the citation. Are you citing the child or are you citing the legal guardian or the parent?

MR. ROSHAK:

It is my interpretation that the citation or warning would go to the parent or legal guardian since it is based on knowingly allowing the child to ride without a helmet. That is how the citation would be written.

SENATOR LEE:

I am trying to figure out how you are going to issue the citation to the legal guardian or parent unless they are with the child at the time.

MR. ROSHAK:

I think this law is to advise parents that the State is taking this matter seriously. I do not believe that law enforcement will be seeking out children or parents. It is more of an educational matter. I could see a citation being issued if there was

a consistent problem or possibly if there was an accident and law enforcement could show that the parent knowingly let the child ride without a helmet.

MR. ADAMS:

We have bicycle safety programs in our schools. I think it will make an impact on the child when they understand that it is against the law to ride a bicycle without a helmet.

CHAIR NOLAN

The issue of law enforcement liability has been an issue in the past; therefore, I would like to address it now. Is that still a concern or is there something in this bill that addresses that matter?

MR. ADAMS:

I remember that being an issue in the past. I will defer to our legal advisors; however, I think precedent has been established that removes the liability.

CHAIR NOLAN:

I would like to incorporate any language to avoid the issue.

MR. ROSHAK:

Yes, I concur.

MICHAEL HACKETT (Nevada State Medical Association):

The Nevada State Medical Association supports S.B. 207. They feel, "An ounce of prevention is worth a pound of cure." The physician community is well aware of the severity and potentially fatal impact of head injuries and we support any measure that serves to reduce that risk and to alleviate the burden on our health care system. This is a common-sense approach to those issues.

R. BEN GRAHAM (Clark County District Attorney):

I am here to address the liability question previously raised by Senator Nolan. The scenario presented had a police officer let an individual proceed after being stopped for a violation. A well-established case law exists indicating that there would not be individual liability. The duty owed to the public as a whole has been served. It is not unusual to see lawsuits brought where an officer may have stopped someone who is potentially driving under the influence, they have allowed those people to proceed without being cited, and they have ended up being killed. Again, there is a strong line of cases that there is no individual duty

owed and, therefore, no liability. The case could be made that it is morally wrong. I would defer to your Committee Counsel, but I think it is an issue that has been fairly well litigated.

CHAIR NOLAN:

We will close the hearing on S.B. 207. Senator Wiener, we will schedule this for a work session when we have other Committee members present.

Committee members might be aware that the American Society of Civil Engineers (ASCE) conducted a press announcement today. The ASCE group will give a brief summarization of their study on the infrastructure needs. They will focus on traffic- and highway-related issues.

TOM GRECO, P.E. (American Society of Civil Engineers):

I will summarize our report titled *Nevada Infrastructure Report Card* ([Exhibit L](#)). The average grade is a C, but averages are not very reliable. We support a previous presentation by former Governor Guinn's Blue Ribbon Task Force. We feel that the projected \$3.8 billion shortfall in the State Highway Fund is actually higher because it was calculated based on 2006 dollars.

There is also the issue surrounding highway safety and a study has been conducted called the Nevada Strategic Safety Plan. It is an excellent plan that involves several agencies and needs support. If enacted, it will reduce crashes and fatal accidents and encompass engineering enforcement, emergency medical technicians and education.

The final area of transportation addresses aviation. It received a grade of D. To raise that grade to a C, we are looking at an investment of \$6.5 million. The McCarran International Airport (McCarran Airport) is the fifth or sixth largest in the nation and it appears to be operating reasonably well. However, that airport is going to continue to grow. The demand on it will continue to grow but the funding for it is not increasing.

The basic message is that Nevada is growing but funding sources, both at the federal and the state level, are not increasing, leading to a high-risk situation. For comparison purposes, the infrastructure report card on the entire United States is at a D. We would like to support a long-range study and effort to avoid further problems. The ASCE printed another document titled *Raising*

the Grades ([Exhibit M](#)) that specifically addresses the national spending requirements of approximately \$1.6 trillion over the next 5 years.

SENATOR LEE:

How are the airports funded, and how can the airports raise their grade?

TRENT BALDWIN (Engineering Project Manager, Reno-Tahoe International Airport): Aviation funding is mostly provided by the federal government through grants. Those grants have not increased for either the McCarran Airport or the Reno-Tahoe International Airport (Reno Airport). For your information, the McCarran Airport receives the same dollar amount from the federal government as the Reno Airport. The grant money is offset by passenger facility charges which is the tax included on your airfare ticket.

The grade of D does not reflect the management of the two airports in Nevada. Management has been efficient and effective at using the resources they have to manage and fund their needs. Both airfields have aged or outdated facilities and equipment, which is a sign of the lack of funding to maintain them.

SENATOR LEE:

How have you generated money to repair those facilities? Has the money from the federal government been sufficient?

MR. BALDWIN:

Management has incorporated gaming and advertising into revenue-generating sources. They apply this revenue towards the deficit. The State does not contribute to either airport. There is a \$500,000 aviation trust fund that has been beneficial to the airports throughout the State. This trust fund is appreciated by the aviation community and I have seen effective use of that funding source.

SENATOR WASHINGTON:

The appropriation that you mentioned was created by Senator Jacobsen. Is there a prescribed formula by the federal government regarding landing fees or is it generated by the individual airports?

MR. BALDWIN:

As I understand it, landing fees can be changed within the guidelines prescribed by the Federal Aviation Administration (FAA). Currently, both the McCarran and

Reno Airports are low-cost airports. We keep the landing fees low to attract airline business to our communities. We are seeing an increase in our costs as a result of the security changes due to the tragedy of September 11, 2001. The new in-line baggage systems are expensive and we pass those costs on to the traveling public.

SENATOR WASHINGTON:

Is there a certain percentage the FAA allows you to recoup as far as taxes imposed upon fuel costs for maintenance and operation?

MR. BALDWIN:

Yes.

SENATOR WASHINGTON:

Is that set by the FAA, or is that something that is negotiated by the airports?

MR. BALDWIN:

Yes. As I understand it, that fee is set by the FAA. They collect those fees and we have discretion over how those fees are spent.

SENATOR WASHINGTON:

Are those revenues lumped into the federal grant monies received by the airports?

MR. BALDWIN:

Yes, that is correct and they set certain restrictions on how those monies can be spent.

SENATOR WASHINGTON:

Is the \$6.5 million deficit the difference between what is actually received in grant monies and the revenues generated from other ancillary adventures?

MR. BALDWIN:

Correct. We have our Airport Capital Improvement Program that spells out the needs of the airport. The \$6.5 million is the amount that we need to conduct our day-to-day business minus the grant monies received from the federal government.

CHAIR NOLAN:

Thank you for taking the time to present your report to us today.

I will reopen the hearing on S.B. 206. We were waiting for information from our Committee Counsel regarding clarifying language. Mr. Szudajski has an answer from our Legal Division.

SENATE BILL 206: Clarifies provisions concerning the effect of certain signals exhibited by official traffic-control devices. (BDR 43-66)

MATT SZUDAJSKI (Committee Policy Analyst):

In conferring with Sharon Wilkinson, Committee Counsel, she suggested inserting the word "completely" in between "already" and "entered." Therefore, the amended language would be, " ... in question had already completely entered the intersection ... " so as to clarify the Chair's question.

SENATOR LEE:

How is this going to integrate with the camera 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)

CHAIR NOLAN:

It is my understanding that the intersection cameras are triggered by a laser device that actually captures the vehicle entering and exiting the intersection. We can establish language having those cameras catch those cars that enter the intersection after the light has turned red. I know that was a concern and this might actually address that situation. I will accept a motion to include the amended language offered by our Legal Division.

SENATOR LEE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 206 BY INSERTING THE WORD COMPLETELY BETWEEN ALREADY AND ENTERED ON PAGE 5, LINE 1.

SENATOR WASHINGTON SECONDED THE MOTION.

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THE MOTION CARRIED. (SENATORS AMODEI, CARLTON AND
WOODHOUSE WERE ABSENT FOR THE VOTE.)

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CHAIR NOLAN:

There being no further comments or business, this meeting of the Senate
Committee on Transportation and Homeland Security is adjourned at 5:05 pm.

RESPECTFULLY SUBMITTED:

Lynette M. Johnson,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____