

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

**Seventy-fourth Session
April 5, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 2:36 p.m. on Thursday, April 5, 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

GUEST LEGISLATORS PRESENT:

Senator Warren B. Hardy II, Clark County Senatorial District No. 12
Senator Dina Titus, Clark County Senatorial District No. 7
Representative Jon C. Porter, Sr., United States House of Representatives

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Tom Skancke, President, The Skancke Company

Frank Siracusa, Chief, Division of Emergency Management, Department of Public Safety
Bradford Lee, M.D., J.D., M.B.A., State Health Officer, Health Division, Department of Health and Human Services
Larry Casey, Executive Director, Nevada Commission on Homeland Security
Raymond J. Flynn, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association
Jason M. Frierson, Clark County
Mendy K. Elliott, Director, Department of Business and Industry
Andrew J. MacKay, Chair, Transportation Services Authority
Samuel A. Thompson, Commissioner, Transportation Services Authority
A. R. (Bob) Fairman, Nevada Transportation Coalition
Paul Enos, Nevada Motor Transport Association
Mary Wherry, Deputy Administrator, Division of Health Care Financing and Policy, Department of Health and Human Services
Edgar Roberts, Administrator, Motor Carrier Division, Department of Motor Vehicles
Judy Stokely, Nevada Power Company; Sierra Pacific Power Company
Debra Jacobson, Southwest Gas Corporation
William A. Bainter, Lieutenant, Nevada Highway Patrol, Department of Public Safety
Ron Levine, Nevada Motor Transport Association
David Brown, Nevada Automotive Wholesalers Association
Alfredo Alonso, Alliance of Automobile Manufacturers
Cheryl Blomstrom, National Federation of Independent Business
Doug Frenton
James F. Sloan
Mike Rich, Trucking Supervisor, Q&D Construction Incorporated
Jeffrey A. Fontaine, Nevada Association of Counties
Jerry Aaron, Harco Trucking LLC; Sierra Rental and Transport Company, Incorporated; Capurro Trucking
Randy Thelander, Equipment Coordinator, Granite Construction Company
Mitch Hill, President, Oxborrow Trucking and Landscape Materials
Doug Busselman, Nevada Farm Bureau
Steve Holloway, Associated General Contractors, Las Vegas Chapter
Julia Frehner, Nu Equipment, Incorporated
Paul DeLong, President, Paul DeLong Heavy Haul
Berlyn D. Miller, Nevada Contractor's Association

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Richard J. Yeoman, Administrative Services Officer, Nevada Department of Transportation

Randy Robison, Associated Builders and Contractors of Southern Nevada

Crystal D. Soderman, Associated General Contractors, Nevada Chapter

Chris B. Knight, City of Las Vegas

O. C. White, City Traffic Engineer, City of Las Vegas; City of North Las Vegas

Mandi Lindsay, Associated General Contractors, Las Vegas Chapter

Jerry Duke, Assistant Planning Manager, Regional Transportation Commission of Southern Nevada

CHAIR NOLAN:

We will begin today's meeting with a presentation from U.S. Representative Jon Porter.

REPRESENTATIVE JON C. PORTER, SR. (United States House of Representatives):

Thank you for allowing me to address the Senate Committee on Transportation and Homeland Security. As I mentioned in my speech on the Senate Floor, I will talk about a potential option to ease the transportation challenges that face the State. You know far better than I about the shortfall in the State Highway Fund. I am encouraging you to consider the legislative option that the United States House of Representatives passed allowing for demonstration projects for Public-Private Partnerships (PPPs). I have been focusing on three corridors, two in southern Nevada and one in northern Nevada. One southern Nevada corridor is Interstate 15 (I-15) from Las Vegas to California. The State has the ability to enter into a partnership with California to improve this stretch of roadway. I met with members of the United States Congress from California and they are interested in continuing the dialogue. I envision that corridor having parallel lanes where one set of lanes is free and the other set of lanes, some form of a PPP.

The other southern Nevada corridor is the Boulder City Bypass (Bypass). As you know, Boulder City has about 20,000 cars a day passing through the community. About 2,000 to 3,000 trucks will soon be passing through Boulder City once the bridge is finished across the Colorado River. I see this as another potential where the traveler could have a choice. They could take a toll road around Boulder City or travel through Boulder City.

The northern Nevada corridor is Interstate 80 (I-80), west of Reno to California. This corridor has other challenges such as the cost to build over the Sierra

Nevada mountain range. I am aware there are companies interested in establishing a PPP for this corridor.

The PPPs venture is new for Nevada and I applaud you for considering this option. I sense the traveling public is frustrated with the six-, seven- or eight-hour delays on I-15 south of Las Vegas. We need to secure these three corridors into our State because competition is fierce for the tourism dollar. I propose that as those tourists come to visit our communities in southern and northern Nevada, they can share in the expense. They can choose to take the free lanes or they can choose to take the toll lanes. These corridors are similar to McCarran International Airport and the Reno-Tahoe International Airport, which are critical for our State's economic viability. When a traveler flies into these airports, they pay a user fee. If you took two of those projects, the Bypass and the I-15 corridor, assigned them as a PPP, it could potentially save about \$1 billion in today's dollars. That would free up the monies originally allocated to those projects, for other roadway projects. I share the opinion of your members that it is government's responsibility to fund education, infrastructure and law enforcement.

Nevada is unique in that there are about 40,000 new hotel rooms being built in southern Nevada over the next few years. We currently have 98-percent occupancy in the southern Nevada hotels; therefore, we need to free up I-15 in order to continue the growth in our economy.

Back in the fall of 2006, then-Governor Guinn and I discussed the potential to obtain federal government consideration for a demonstration project. After that discussion, Governor Guinn contacted the Nevada Department of Transportation's (NDOT's) Board of Directors. They sent a letter to the federal government stating their interest in demonstration projects as soon as the State passed appropriate legislation. I am opposed to toll roads if that is the State's only option. I support options that give the traveling public choices. I know this Committee is considering all options to answer the State's transportation requirements.

CHAIR NOLAN:

We thank you for your time and for providing us your perspective. The State has funding options when it comes to fulfilling our infrastructure needs. Many other states have already come to that realization. Nevada is in a position of need and we appreciate all your assistance.

SENATOR LEE:

I appreciate the urgency in your discussion today. It is good to know that you, like a lot of us, realize it is an urgent situation. Is something in place to streamline the environmental process for these projects?

REPRESENTATIVE PORTER:

I am not sure there is a shorter process for environmental compliance but Mr. Skancke will be able to give additional details. The I-15 corridor would probably be one of the fastest. In the 1990s, Clark County passed a bond issue increasing the sales tax to fund infrastructure projects. They used Environmental Assessments (EAs) that enabled them to construct roadways. I am not sure if an EA would suffice on this project and would be happy to find out for you.

SENATOR LEE:

I do not know that we have ever married this Legislature with the federal government like we seem to be doing on this issue. It would be nice to work with you to solve this problem.

REPRESENTATIVE PORTER:

I know Congressional members, both Democrats and Republicans, are doing a great job in addressing special projects. I understand that we need to partner to find creative solutions. This type of legislation is a reasonable solution. I would not consider a tax as long as there is a choice.

CHAIR NOLAN:

Some parts of the I-15 west beyond the Nevada border, need to be widened to help alleviate the congestion. I know that California from Baker through Barstow is in the process of adding additional lanes. Nevada can only do so much; we will need cooperation from California. What is your perspective on this concern?

Also, I have talked to you about an alternative route from Reno west into California. Other northern Nevada transportation issues are I-80 east to Fernley and Alternate U.S. Route 50 from Fernley to Fallon. The Tahoe-Reno Industrial Park, which is probably one of the largest economic boons to this State, is being built. At some point, those industrial businesses will be adding more commerce onto I-80. I understand at full capacity, Wal-Mart Stores, Incorporated alone will have 700 commercial vehicles traveling on I-80. Therefore, we will need additional capacity there as well.

SENATOR WASHINGTON:

There will be environmental concerns in order to expand I-80 or I-15. The U.S. Environmental Protection Agency has several requirements especially going through the Sierra Nevada. How will you be able to help the State with the environmental process?

REPRESENTATIVE PORTER:

Southern Nevada used an EA instead of an Environmental Impact Statement to build portions of the Interstate 215 (Beltway). I will ask Mr. Skancke to address your question regarding the environmental process. I do know the private sector can build roadways faster and more efficiently. Historically, most of the money has come from overseas investors; however, Wall Street is interested in funding infrastructure projects.

CHAIR NOLAN:

Again, thank you, Representative Porter.

TOM SKANCKE (President, The Skancke Company):

I would like to start with the Endangered Species Act. There is an endangered species in this country and it is called surface transportation. We are at a crisis situation across the nation when it comes to infrastructure.

I am a member of the National Surface Transportation Policy and Revenue Study Commission. "For the record, I would like to state that my comments today do not reflect me in that position nor as a member of the Blue Ribbon Task Force but someone who has spent two decades in this industry." Public-Private Partnerships and toll roads are a component to solving the transportation crisis. The U.S. Department of Transportation's (USDOT's) Highway Trust Fund (National Trust Fund) could become bankrupt in the near future. In fact, by the end of 2008, the National Trust Fund could be \$100 million in the hole. By the end of 2009, the National Trust Fund could be an additional \$100 million in debt. What does this mean to Nevada? Those reauthorization dollars the State received from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users three years ago will not be available in the future. I do not think people realize the importance of this situation. The \$3.8 billion projected shortfall that former Governor Guinn's Blue Ribbon Task Force outlined is really \$7.5 billion in 2006 dollars. It does not include inflation or the interest on bonds. The current gas tax is not generating the needed revenues. When one federal dollar is added to transportation projects, approximately

eight years are added to the timeline. The National Environmental Policy Act requirements are not the only reason for the increase in time. The increased time includes project delivery and USDOT processing. For example, tomorrow Harrah's Entertainment announces that they were constructing a 10,000 room hotel project, the NDOT would already be 5 years behind schedule to accommodate the additional traffic.

The private sector has stepped up by providing an opportunity to build these projects earlier and faster by providing the PPPs and design-build projects. I am not here to advocate PPPs or toll roads. Consider what is occurring in southern California and across the country—people are willing to pay tolls. They do not want to be stuck in traffic. The state of California passed a \$20 billion bond issue to solve transportation problems. I would hope that this Legislature would seriously consider allowing the NDOT and the residents of this State to pay a toll if they so choose. The PPP process is improving nationwide. They work and they are an important component to the solution.

CHAIR NOLAN:

I appreciate your attendance at today's meeting.

MR. SKANCKE:

I can answer Senator Washington's environmental question. Nevada has two projects that are being considered in the USDOT's Corridors of the Future Program (CFP). The USDOT considered 38 potential projects from around the country. They have narrowed it down to 14 potential projects. Of those 14 projects, 2 are I-80 and I-15. Nevada needs to have congestion management, congestion pricing, PPPs and tolling components before making it into the final selection process. Nevada must show a congestion pricing and congestion management formula in their proposal. The CFP has incorporated project and environmental streamlining into the process. The CFP saves significant time in completing major corridor projects; therefore, receiving this designation is significant. The federal government is also donating money to the successful projects. Five projects from across the nation will be selected. Nevada needs this legislative language to be included in the final CFP step.

SENATOR WASHINGTON:

What does congestion pricing entail?

MR. SKANCKE:

Congestion pricing is when a higher toll charge is assessed during peak traveling times. The Federal Aviation Administration has incorporated a similar structure. They are going to charge higher air space fees at peak times. The nation as a whole is going to congestion pricing. With congestion pricing, people choose to travel at different times either off- or on-peak. Some casinos in Las Vegas manage shift changes to alleviate the congestion on the roadways.

CHAIR NOLAN:

I will open the hearing on Senate Bill (S.B.) 173.

SENATE BILL 173: Revises provisions relating to the expenditure of money received from the Federal Government to prevent or respond to acts of terrorism. (BDR 31-224)

SENATOR HECK:

I appreciate the Committee's indulgence regarding the presentation of this bill. I have asked Mr. Siracusa to present how his agency handles the federal grant process. Dr. Lee will talk about his agency's role, and then I will review the bill.

FRANK SIRACUSA (Chief, Division of Emergency Management, Department of Public Safety):

My division provides for the management and oversight of the State's Homeland Security Grant Program (HSGP). I will give you an overview of the process and how we interact with the Nevada Commission on Homeland Security (NCHS). The HSGP consists of several programs that provide grant dollars for prevention, detection, preparedness and response activities. The Law Enforcement Terrorism Prevention Program provides grant dollars specific to law enforcement. The Urban Area Security Initiative provides grant dollars specific to Clark County since it is designated as one of 50 specific urban areas. The Citizen Corps is for statewide programs related to citizen corps. The Metropolitan Medical Response System is specific to the City of Las Vegas for mass medical. The Buffer-zone Protection Program is for security to critical infrastructure. The Transit Security Grants Program provides for mass transit in Clark County. In 2006, the HSGP changed its direction to statewide programs. The Division of Emergency Management (DEM) started a working group of approximately 65 individuals. That working group consolidated the grant process into one comprehensive application. The timeline for the application process is critical. For example, on January 5, 2007, we received notice of

availability of the 2007 grant funds. We have 90 days to submit our application to the U.S. Department of Homeland Security (USDHS). The DEM schedules meetings for the working group in which the application is completed based on federal criteria. We submit the application packet to the finance committee of the NCHS. The finance committee reviews, approves and presents the application packet to the NCHS. The NCHS makes any changes and votes on the packet. After the NCHS approves the application, the DEM uploads it to the USDHS. The application was due April 5, 2007. The USDHS has 90 days to review all applications. In late June, we will know how much has been awarded to each grant program. The working group will prioritize the dollars and develop the budgets for the projects. I submit that information to the NCHS for additional review, recommendation and approval. The package is resubmitted to the USDHS for their final approval. The DEM will initiate the Notice of Grant Awards to the various agencies so they can start their projects. On a quarterly basis, the DEM provides a progress report to the NCHS. I have a fiduciary responsibility to ensure the integrity of those grants and work hand-in-hand with the NCHS.

CHAIR NOLAN:

For disclosure purposes, I am a member of the NCHS and the State Emergency Response Commission.

BRADFORD LEE, M.D., J.D., M.B.A. (State Health Officer, Health Division, Department of Health and Human Services):

I am here at Senator Heck's request and have provided prepared testimony ([Exhibit C](#)). I have also provided a binder for each member and will refer to it during my testimony ([Exhibit D](#), original is on file in the Research Library).

SENATOR HECK:

I appreciate Mr. Siracusa's and Dr. Lee's overview. I have provided a mock-up proposed amendment to the bill ([Exhibit E](#)) and will address concerns expressed by local entities. This bill requires any state agency, except the National Guard, receiving grant money for combating terrorism, to have the NCHS review their awards. As we have heard, the NCHS currently manages a large portion of grant money; however, there are other agencies, especially those within the Department of Health and Human Services and the offices of Public Health Preparedness (OPHP), that also receive terrorism grant funding. Therefore, the NCHS should have visibility over those funds as well. As Dr. Lee stated, they

already coordinate with the DEM to avoid duplication and leverage funds. This bill is adding it into statute.

This came about because concerns were raised about monies that go through the Centers for Disease Control and Prevention (CDC) and the U.S. Department of Health and Human Services (USDHHS), Health Resources and Services Administration. To my knowledge, a public hearing process does not occur for grant applications. An issue that has received attention is the State keeps a large portion of the bioterrorism monies, approximately 33 to 40 percent. In addition, they have large unexpended balances at the end of the grant years, approximately 43 to 56 percent. A 2006 report from the USDHHS, Office of Inspector General has Nevada ranked as the fifth highest percentage of unobligated balances of grant funds. That poses a problem for local communities trying to utilize these funds. The proposed amendment also requires local government entities receiving grant funds from the USDHS to advise the NCHS. The bill focuses on funds received directly from the federal government and not from the NCHS. These agencies will provide an itemized report showing the grant award, the federal agency issuing the award and how the award will be used.

There is a fiscal note associated with this bill. Mr. Casey and I believe it is due to a misunderstanding regarding the NCHS's role in this process. We are trying to get the fiscal note removed. Mr. Casey might further address this matter.

SENATOR CARLTON:

I am confused as to the NCHS's role over the grant funds received from other sources. Will you please clarify their role?

SENATOR HECK:

For example, the OPHP receives grant funds from the CDC and those funds were associated with terrorism. Under this bill, the OPHP would submit their Notice of Grant Award to the NCHS. The NCHS would review the award to check for duplicity and proper use of those funds. After review, the NCHS would endorse the award or provide suggestions to enhance the OPHP's use of those funds. The NCHS could influence the distribution of that award.

SENATOR CARLTON:

The NCHS would be an additional filtering system even after the agency has already been approved to receive the funds. Am I correct?

SENATOR HECK:

It is not necessarily for the NCHS to say the agency cannot have the funds. It is having one agency with oversight of the funds received for essentially the same purpose. It is possible that an entity may be awarded a grant through one state agency while funding was awarded for a similar project from another state agency. Is it the best use of those funds if they are being awarded twice for a similar project? There is also a provision in the bill to ensure this process does not jeopardize funding to impede deadlines imposed by the federal government.

SENATOR CARLTON:

An agency already has to identify how the funds are going to be used when they apply for the grant. If they change their mind afterwards or if someone changes their mind for them, that money may disappear. A lot of health care grants require a business plan, a spending plan, time frame and a layout of the administration dollars. If you do not comply with all those practices and submit your report in the next year, you cannot apply for another one. We might be allowing another agency to tell them they cannot spend it that way, and I think we would be jeopardizing those dollars. What do you think?

SENATOR HECK:

The dollars are awarded in block amounts, not based on the need to spend every dollar in order to receive more the following year.

SENATOR CARLTON:

However, the agency has to indicate how they will spend the grant funds. Correct?

SENATOR HECK:

Yes. They fill out a grant application based on the project the respective granting agency will review. This is not giving them the grant dollars prior to approval. They submit it to the awarding agency for approval, disapproval or the agency may ask for additional information. This bill is saying that after all that is done and before the money is awarded, the NCHS should have visibility over the money since it is their charge in statute to be responsible for the overall coordination of combating terrorism in the State.

SENATOR CARLTON:

I will respectfully disagree. I think this bill is going too far.

CHAIR NOLAN:

Senator Carlton, I think Senator Heck is attempting to close what he saw as a loophole in the grant process regarding agencies that can access federal grants for homeland security from a number of different avenues. The problem has been that one emergency service provider is looking for grant funding for equipment or training from a federal source while applying for funds through the State for the same thing. The emergency service provider is supplanting revenue they are already receiving for the service or equipment. This bill is an effort to create more transparency and accountability.

LARRY CASEY (Executive Director, Nevada Commission on Homeland Security):

I am here on behalf of the NCHS. This bill will address a concern we have had about making sure that homeland security funds go where they can ensure the best possible protection for the people. We were concerned about potential duplicate funding from different sources. The federal government wants accountability for the funds they disperse. For example, grants received from the USDHS have to enumerate other fund sources for homeland security dollars the agency is receiving. This bill will help the NCHS with that accountability. Knowing what funds are out there and where they are intended will help facilitate the distribution of money.

RAYMOND J. FLYNN (Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association):

As Senator Heck indicated, we initially had some concerns with section 3 of the original bill. We are confident that the proposed amendment will address our concerns.

JASON M. FRIERSON (Clark County):

Clark County's Office of Emergency Management has concerns that this bill duplicates reporting requirements. The proposed amendment might take care of that and I would like to provide it to our office. It sounds like it is an abbreviated version of their reporting requirements.

CHAIR NOLAN:

I suggest you fax it to them because we will probably take action on this bill. If you still have objections, we will reopen the hearing.

MR. FRIERSON:

I will do that and thank you.

CHAIR NOLAN:

We will close the hearing on S.B. 173 and open the hearing on S.B. 393.

SENATE BILL 393: Makes various changes concerning transportation. (BDR 43-109)

CHAIR NOLAN:

I will introduce this bill and have Ms. Elliott and the other Transportation Services Authority (TSA) Commissioners go to the table. I will present the bill from the rostrum and then turn it over to Ms. Elliott.

This Committee heard a similar bill last Session addressing problems with the TSA. A number of issues came to light regarding administration and enforcement. That bill moved the TSA back under the jurisdiction of the Public Utilities Commission of Nevada where it had originated. There was an amendment that upset taxi drivers in southern Nevada and the bill was vetoed. For this Legislative Session, I requested a bill draft with the same tenets as last Session's bill. During the interim, I have been working with the TSA, the Governor's Office staff and Ms. Elliott attempting to resolve the problems. The reason for the complaints seemed to be a result of the structure and oversight regarding the enforcement officers and their role. We have worked out a proposed amendment to this Session's bill ([Exhibit F](#)).

This proposed amendment, amends the bill as a whole including changing the name from the TSA to the Nevada Transportation Authority (NTA). This name change came about due to confusion with the federal Transportation Security Administration. We felt the need to identify the state agency differently. This proposed amendment also establishes an appeal process for complaints against a NTA employee. After the NTA performs its own internal investigation and the complainant is dissatisfied with the outcome, the complainant may appeal. Upon an appeal, the Nevada Investigation Division (NID) will conduct an independent investigation and provide its findings to the NTA commissioners. The proposed amendment enumerates the qualifications and responsibilities of a newly created position of deputy commissioner. The statutory language is modeled after the administrator position for the Taxicab Authority. We felt there was lack of supervision and continuity within the agency. This new position has been created from an existing position within the agency. We reshuffled duties trying to get some organization and enhanced supervision. The proposed amendment directs the deputy commissioner to adopt policies requiring the NTA officers to

wear identifiable markings or apparel when conducting inspections. Prior to this, the NTA officers often would conduct inspections in plain clothes, or to the other extreme, they would wear police-type uniforms. The enforcement officers will now be required to undergo commercial-vehicle safety-inspection training. This training will be in consultation with the Nevada Highway Patrol (NHP). A primary responsibility for the NTA inspectors is vehicular safety but has previously been overlooked since its inception. The inspectors had become law enforcement officers and were not conducting vehicle-safety investigations. We felt this was one of their duties so we are now providing training. The proposed amendment provides a one-year cooling-off period for employees who leave to seek employment in the private sector that the NTA regulates. This mirrors statutory language with regard to administrators in other areas of government eliminating the financial incentive for them to leave office. I would like Ms. Elliott and the commissioners to identify themselves and talk about the bill and the proposed amendment.

MENDY K. ELLIOTT (Director, Department of Business and Industry):

I want to compliment and thank you, Senator Nolan, for all of your effort and time and more importantly your thoughtfulness. When I assumed my responsibilities on January 5, 2007, the second phone call I received was about the challenges facing the TSA. You and I had several dialogues and your commitment to finding a solution has been a delight. On behalf of all the commissioners, we really appreciate your time. You have been a model Senator.

CHAIR NOLAN:

I want to share the praise with Senator Washington. He also helped in crafting this language.

MS. ELLIOTT:

At this time, I will turn it over to Mr. MacKay and we can discuss the bill and proposed amendment. At this time, I am 100 percent in favor of this proposed amendment.

ANDREW J. MACKAY (Chair, Transportation Services Authority):

Relative to the proposed amendment, [Exhibit F](#), we have one request. Section 15 states, "An employee of the Transportation Services Authority whom it designates as an inspector or as the Deputy Commissioner is a peace officer and has police power for the enforcement of the provisions of" We respectfully request to change the language to, " ... whom it designates as an

inspector is a peace officer ... " removing "or as the Deputy Commissioner." We view the deputy commissioner as a "Chinese Wall" separating the commission from the operations. Commissioners are trained adjudicators and we serve as administrative law judges relative to enforcement matters and applications. Excluding the deputy commissioner from this language strengthens that separation. It eliminates potential ex parte communication. I would like to thank you, Senator Washington, Ms. Elliott, the Governor's staff and the Committee members for working with us. This proposed amendment culminates 18 months of hard work.

SENATOR LEE:

Will these inspectors or officers be certified by the Peace Officers' Standards and Training (P.O.S.T.) Commission with benefits?

MR. MACKAY:

Are you talking about the TSA investigators?

SENATOR LEE:

Are the investigators or peace officers P.O.S.T.-certified?

MR. MACKAY:

Yes, they are. We are classified as a category II agency; however, our enforcement personnel are trained to the category I level.

SENATOR LEE:

Will these changes affect any of the industry fees?

MR. MACKAY:

No, they would not.

CHAIR NOLAN:

Part of this proposed amendment is to de-emphasize the agency's enforcement role and to place the emphasis on safety. They will be required to have training in vehicle safety inspection and they can still conduct investigations. Any law enforcement will be turned over to the appropriate agency whether it is the NID, the NHP, the Attorney General's Office or the district attorney.

SENATOR LEE:

Will these investigators be able to conduct arrests or impoundments?

SAMUEL A. THOMPSON (Commissioner, Transportation Services Authority):

I am a new commissioner and have a background in law enforcement. I was a P.O.S.T.-certified officer in Tennessee with the highway patrol and the sheriff's department for almost 20 years. I was prison warden. I have been a judge. One of our motivations is that we have had too much emphasis on enforcement. We do not allow our officers to make physical arrests. We have a written policy addressing this matter. If an investigator discovers an outstanding felony warrant, then they call the appropriate law enforcement agency. Our officers are trained to retreat in the face of problems and not to engage. We are going toward a more regulatory approach. I understand and share your concern, which is why we want to exclude the deputy commissioner from section 15, [Exhibit F](#). That position is responsible for the investigative process for complaints. Mr. Fairman, who is one of our certificated carriers, proposed that suggestion and we think it is a good suggestion. It speaks to the cooperation we have received from our carriers such as Mr. Enos of the Nevada Motor Transport Association and a number of other carriers. Senator Nolan has enlisted our detractors as well as our admirers. I find that we receive better information from constructive criticism than we do by laudatory comments. We listened to the people who have been critical of this agency. In addition, inspector as used in the statutes is a historical term meaning investigator. Individuals must be P.O.S.T.-certified to be considered peace officers. In our organization, they will be referred to as enforcement investigators.

SENATOR LEE:

Are household goods movers, limousine drivers and tow trucks still under your purview?

MR. THOMPSON:

Correct.

SENATOR LEE:

Will the TSA investigators be able to stop a speeding tow-truck driver?

MR. THOMPSON:

No. Those days are over. There is no place for that mentality in a regulatory agency, and there is certainly no place for it in the transportation industry. Chairman MacKay, under the leadership of Ms. Elliott and Commissioner Lesly Miller we are going to ensure that we live up to every

precept of this bill. We have an opportunity to show the Legislature, the State and our carriers we are capable of that, and we intend to do that.

A. R. (BOB) FAIRMAN (Nevada Transportation Coalition):

With the changes Mr. Thompson has mentioned, I would be 100 percent in favor of this bill. There is going to be a lot of hard work, and we appreciate your help in putting it together.

CHAIR NOLAN:

Thank you for your work on this bill.

PAUL ENOS (Nevada Motor Transport Association):

I am in favor of S.B. 393 as amended. The Nevada Motor Transport Association recognizes that there have been issues and this proposed amendment incorporates changes that will address our concerns. The new commissioners have established favorable internal policies. I appreciate the willingness of you, Mr. Chair, the TSA members and Ms. Elliott in helping the industry work through these issues. The citizens and the transportation industry will be well served.

CHAIR NOLAN:

Thank you, Mr. Enos. I owe you an apology. We had a meeting the other day, and I forgot to notify you.

MR. ENOS:

Apology accepted and not needed, Mr. Chair.

MARY WHERRY (Deputy Administrator, Division of Health Care Financing and Policy, Department of Health and Human Services):

I reviewed the proposed amendment and our concerns are alleviated. Our primary concern was with the original bill by eliminating the broker and the repeal of the *Nevada Revised Statute* 706.158. We use a transportation broker for budget-neutrality purposes and to serve our recipients. We are fine with the bill as amended and appreciate your effort.

CHAIR NOLAN:

There are about five TSA bills and it is our intention to include them into this amendment as a whole.

EDGAR ROBERTS (Administrator, Motor Carrier Division, Department of Motor Vehicles):

This proposed amendment removes the motor carrier issues and our fiscal note.

CHAIR NOLAN:

We will close the hearing on S.B. 393 and open the hearing on S.B. 300.

SENATE BILL 300: Revises certain provisions governing hours-of-service limitations for intrastate drivers of certain commercial motor vehicles. (BDR 58-1319)

SENATOR WARREN B. HARDY II (Clark County Senatorial District No. 12):

This is a bill we brought forward last Session where we clarified the hours-of-service language. That language is working for the industry. The federal government has passed some exemptions; therefore, we need to modify state law. I will have some individuals from industry present this bill.

JUDY STOKEY (Nevada Power Company; Sierra Pacific Power Company):

I will provide you with a history of this bill. In 2005, the Legislature enacted S.B. No. 245 of the 73rd Session. That bill dealt with the enforcement of hours-of-service limitations on drivers in intrastate commerce. It also created an emergency declaration process for drivers of utility vehicles who are responding to a utility emergency. Since that bill's passage, the federal government enacted legislation that amended the hours-of-service regulations for utility vehicle drivers. The new federal legislation provides complete exemption for drivers of utility service vehicles from intrastate hours-of-service regulations and prohibits the states from enacting their own hours-of-service regulations. We have provided a handout ([Exhibit G](#)). We received a legal opinion on the language from S.B. No. 245 of the 73rd Session; therefore, we are here to modify the language. Utility service vehicle drivers are not drivers in the traditional sense of the trucking industry. They are highly trained, technical employees who work on line crews, ground crews and maintenance crews. They need to operate a vehicle to get from one point to another to restore power.

DEBRA JACOBSON (Southwest Gas Corporation):

Ms. Stokey explained the bill. The handout, [Exhibit G](#), provides additional information regarding the American Gas Association and the Edison Electric Institute's efforts to get this federal exemption.

SENATOR LEE:

Are the phone companies considered public utilities?

Ms. STOKEY:

Yes, phone companies are considered public utilities, but I do not believe they fall under this exemption.

WILLIAM A. BANTER (Lieutenant, Nevada Highway Patrol, Department of Public Safety):

We reviewed this bill and it is compatible with the federal regulations; therefore, we support S.B. 300.

RON LEVINE (Nevada Motor Transport Association):

We support S.B. 300.

SENATOR HARDY:

I want to thank Lieutenant Bainter. He has been extremely helpful with all hours-of-service legislation.

CHAIR NOLAN:

We will close the hearing on S.B. 300 and open the hearing on S.B. 379.

SENATE BILL 379: Enacts the Motor Vehicle Owners' Right to Repair Act.
(BDR 52-1320)

SENATOR HARDY:

This has been a complicated issue. To provide some history, my family came to Nevada in 1957 and worked in the automotive industry for over 50 years. They have since sold the business and I have not been actively involved in it for over 10 years. As the automotive industry evolved, vehicle repairs became more complex and it became increasingly difficult for independent repair facilities to have access to diagnostic equipment and parts. Statistically, 75 percent of all post-warranty vehicle repairs are done by independent repair facilities. Obviously, independent repair facilities are important to the industry. Other states are enacting similar legislation that you have before you. Based on meetings with industry representatives, they recognized the problem and are working towards a solution. We would like to change this from a bill to a concurrent resolution. I believe these groups have worked out a solution with

the independent repair business owners. I will provide the resolution language within the next 24 hours.

CHAIR NOLAN:

Yes, we can change this to a resolution. The Committee will need to review it before taking final action.

SENATOR HARDY:

The individuals here recognize that this needs to be resolved at the federal level, which is why I think a concurrent resolution will better serve our purpose. Mr. Alonso, representing the Alliance of Automobile Manufacturers, initially opposed it and has helped us with this compromise.

DAVID BROWN (Nevada Automotive Wholesalers Association):

I represent the organization that brought this bill to Senator Hardy. I will not go through the bill since it will be eviscerated. The Nevada Automotive Wholesalers Association agrees with changing to a resolution.

CHAIR NOLAN:

Senator Hardy, please include Ms. Wilkinson our Committee Counsel in the discussions on the resolution.

SENATOR HARDY:

I will work with her.

ALFREDO ALONSO (Alliance of Automobile Manufacturers):

We will continue to work with Senator Hardy and Mr. Brown. The Alliance of Automobile Manufacturers continues to offer their services and wishes to cooperate with all parties.

SENATOR LEE:

Is there a specific date this will come through for them?

MR. ALONSO:

We are having difficulty getting information in some areas; however, we believe everything is now available.

SENATOR HARDY:

I am impressed with the documents that Mr. Alonso's clients submitted to me during negotiations. For the record, here is a statement from Mr. Alonso's clients, " ... we will make the information and diagnostic tools available ... this means that one—the same service and training information related to the vehicle repair will be made available to the independent repair shops either via the Internet or the same manner and extent as it is made available to the franchised dealers." We cannot ask for anything better. I appreciate that statement of intent and all the work they have done.

CHERYL BLOMSTROM (National Federation of Independent Business):

We would like to thank Senator Hardy for his hard work on this bill. As he indicated, this is a problem for independent repair shops. I have provided some information for the Committee's review ([Exhibit H](#)).

DOUG FRENTON:

I own a small automotive repair business in rural Nevada. I support this bill as amended. Technology in the automobile industry is rapidly advancing. That information is not available to us and we need it.

CHAIR NOLAN:

I can understand your need for this information, especially since you work in Silver Springs.

MR. FRENTON:

Exactly, it is difficult to get information and parts.

CHAIR NOLAN:

Seeing no further testimony, we will bring the bill back to the Committee and wait for the amended language. We will close the hearing on S.B. 379 and open the hearing on S.B. 236.

SENATE BILL 236: Requires vehicles transporting certain materials to cover those materials with a tarp. (BDR 43-926)

JAMES F. SLOAN:

I have experienced problems over the years with rock damage to windshields and vehicles. My brother-in-law was in the body shop business for approximately 40 years and it was a problem. The motor vehicle owner incurs

the cost of these damages. I have heard the trucking industry say they are willing to pay for these costs, but it is difficult to get reimbursed. I think they overload the trucks above the bed's waterline and then drive at highway speeds. I thank Senator McGinness for representing this bill.

SENATOR LEE:

I want to go over section 3. Loose material could include grass clippings, sand, etc. In my experience, most of the debris is coming off of the license plate, the back bumper or thrown up from the tires. What is your position on this scenario?

MR. SLOAN:

I am aware of this and realize that it is a problem. It usually comes off within the first two or three miles of travel. There is still the problem with overloaded material. The material shifts and moves unless it has been sprayed down.

SENATOR LEE:

My business transports sand in our flatbed trucks. Flatbeds typically are not equipped for a tarping system. Our vehicles could be in violation of this law unless we covered the load.

MR. SLOAN:

Hay and grass would not damage a vehicle behind that load. The main problem is they overload the trucks and if you get behind one, your vehicle can get damaged.

SENATOR LEE:

I am having trouble with the language "loose material." People who clean up their yards and take a load to the dump would have to cover them. You are asking everyone in the State to tarp their load. Is that your intent?

MR. SLOAN:

I see your point and maybe it needs to be amended.

MR. ENOS:

I am here in opposition to S.B. 236. Mr. Sloan did address a problem that occurs; however, I do not think this is going to fix the problem. Senator Lee brought up a good point about debris not necessarily coming off the load. We talked to the NHP and approximately 400 citations were issued statewide for

unsecured loads. There is already a law that addresses this issue. A number of companies have major concerns on the cost to the industry. For example, Lakeside Specialized Trucking has 300 trailers that would need to be retrofitted at a cost of \$3,720 per trailer. It would cost them over \$1 million to comply with this law. That cost does not include maintenance or other costs. This bill causes a major financial impact to the trucking industry.

MIKE RICH (Trucking Supervisor, Q&D Construction Incorporated):

I am opposed to this bill because there is already a law that requires cargo be prevented from leaking, spilling, blowing or falling from a motor vehicle. In addition, these tarps are expensive. Our company is looking at a cost of approximately \$450,000 to retrofit our vehicles. There is employee safety to consider regarding people climbing on top of these loads. All of our pits have a water spray bar that we use on all the loads. I do not think tarps are going to solve this problem.

JEFFREY A. FONTAINE (Nevada Association of Counties):

We have a number of concerns with S.B. 236. We understand the concern and Washoe County is also concerned about this problem and with air quality. Generally speaking, this bill will cause added costs to county governments and small counties will be hit hardest. The initial cost to retrofit a vehicle is approximately \$1,800 and \$3,000. The businesses will need to factor in repair costs for those tarping systems. This will impact operations like sanding roads because we will have to put a tarp over the load.

JERRY AARON (Harco Trucking LLC; Sierra Rental and Transport Company, Incorporated; Capurro Trucking):

These combined companies operate close to 200 power units for hauling aggregate materials. The combined trailer fleet is nearly 600 units with 500 units being aggregate trailers of different configurations. The initial investment for a tarp system can be \$2,000 to \$3,000 a trailer. Daily maintenance and upkeep is extremely high and the tarps are easily damaged when they are being loaded. There is also added time to tarp and untarp the trailers. Safety can also be an issue. Most dump trailers are not designed with steps or handrails for climbing. There are enough workers' compensation claims now without adding another area that could generate more. The expense to set up the tarp systems would be passed on to the consumer. Cost increases would impact upcoming highway projects at a time when the State Highway Fund is already in trouble. Our neighbors in California do not have tarp laws. They

require that the loads not be visible above the sides of the trailers. We try to have our drivers do the same thing. Many times objects come up from the roadway.

RANDY THELANDER (Equipment Coordinator, Granite Construction Company):

I have been in construction for 28 years; 14 of those years were in heavy commercial vehicles hauling aggregates. We have current laws about load securement that protects the public and there is no need for multiple laws. This bill is vague as to the types of loads that would need to be covered. In northern Nevada, we have high winds and tarps have blown off of trucks from these winds, which creates a safety concern for the traveling public. We do not need to be driving up construction costs at a time when funding is already an issue. Mr. Sloan mentioned the trucks were overloaded. In the last few years due to federal laws, these loads have been reduced.

MITCH HILL (President, Oxborrow Trucking and Landscape Materials):

I operate a small business. Most of my customers are people who come into my yard and buy material and haul it in pickups and trailers. The way this bill is written, these people are going to have to tarp their vehicles. The bottom line is the cost will end up on the consumer. I have 13 power units and it will cost me roughly \$88,000 to comply with this law. I am very much opposed to this bill.

DOUG BUSSELMAN (Nevada Farm Bureau):

Our concern has to do with the definition for loose material. We would not be concerned if the bill only referred to aggregate. However, it refers to loose materials and hay trucks would be included in the bill. The requirement would be the same whether the load was grain, hay, etc. They would all have to be covered.

SENATOR HECK:

We will close the hearing on S.B. 236 and hold it over for the work session later in today's meeting. We will open the hearing on S.B. 450.

SENATE BILL 450: Makes various changes to provisions relating to the regulation of oversized and overweight vehicles. (BDR 43-1140)

STEVE HOLLOWAY (Associated General Contractors, Las Vegas Chapter):

I am here to introduce S.B. 450. For years, permits for oversized or over-dimensional loads were issued solely by the NDOT. Approximately seven or

eight years ago, cities and counties started issuing permits for oversized loads. For example, to move a tower crane from North Las Vegas to Las Vegas, you would have to obtain three or four permits from different entities. This process is time consuming and time is money in the construction business. Consequently, last Session we came before you with a similar bill and we compromised on that bill. We agreed that the NDOT would issue the permit if a state road was involved and the other entities would sign off on that permit. That bill stated that the other entities would follow the same rules and regulations as the NDOT. Against that legislation, several entities have imposed curfews and other restrictions above and beyond the NDOT requirements. Those entities have failed to comply with statute, creating a situation where anarchy prevails in Clark County.

Most truckers do not want to apply for a permit because of the difficulties. This bill returns the permit process back to the NDOT. The NDOT will send the local jurisdiction a copy of the permit. Local entities will not be able to create regulations that contradict this bill and the NDOT's authority. This bill also provides for an advisory committee in counties with 400,000 or more population. One individual from each city and two representatives from the industry will be appointed to the advisory committee. Tom Collins of the Board of Commissioners of Clark County has already asked for one spot on that advisory committee. It would be chaired by the NDOT and would provide feedback on regulations needed for Clark County.

CHAIR NOLAN:

You have covered the tenets of the bill. Committee members might remember this issue from last Session. We asked all entities to work cooperatively and that did not occur. We are here to address this problem again. Mr. Holloway, have you reviewed Clark County's proposed amendment ([Exhibit I](#))?

MR. HOLLOWAY:

Yes.

JULIA FREHNER (Nu Equipment, Incorporated):

My company is a general contractor specializing in demolition, dust suppression, grading and transportation. I am in support of S.B. 450. Under the current permitting system, I have been faced with excessive delays and loss of business. Last fall, I requested a permit to haul an oversized excavator. I was informed by one entity that it would take three days to obtain the permit. My

customer was not going to wait 3 days; therefore, I contacted Mr. DeLong who was able to secure the same permit from the same entity in less than 30 minutes. While my staff and I make every effort to follow the current laws and regulations, these actions in southern Nevada have caused lengthy delays and unnecessary denials. As a result, my company has lost business. To continue business under the current system would be cost prohibitive.

PAUL DELONG (President, Paul DeLong Heavy Haul):

The primary function of my business is to transport oversized and overweight loads in southern Nevada. I support S.B. 450. Under the current permitting system, I am faced with delays in obtaining permits as a result of the various rules and inconsistencies from entity to entity in southern Nevada. For example, the NDOT requires that we transport oversized loads during daylight hours. Clark County on the other hand, requires that they occur between first light and 6 a.m. First light is defined as 1 a.m. Moving these loads at night poses safety hazards, as it is difficult to see overhead lines. Clark County also requires its own escorts in addition to the pilot cars that the NDOT requires at an additional cost to me. The bottom line is we cannot afford to do business under the current system.

CHAIR NOLAN:

Thank you for making the trip to Carson City and for working with us during the interim.

MR. ENOS:

I echo the previous comments. Most trucking companies want to operate legally; however, when faced with unreasonable obstacles and additional costs, they will be tempted to operate in an unsafe or illegal manner. This past summer, I received a call from an Arizona-based trucking company. They had been stuck in Clark County with an overweight over-dimensional load for four days trying to obtain the necessary permits. It cost them an additional \$3,000 to move this load. Passing this legislation will address the issues brought up by Ms. Frehner and Mr. DeLong.

BERLYN D. MILLER (Nevada Contractor's Association):

I would like to encourage your support in passing S.B. 450. We have been working on this problem for 12 years; it is time for it to be resolved. Most entities in southern Nevada worked cooperatively.

CHAIR NOLAN:

For clarification purposes, Clark County was the entity that was not cooperating with the other agencies.

SENATOR LEE:

This bill does not mention a processing time frame for these applications. How is this bill going to expedite the process for the industry?

MR. MILLER:

This bill puts it back in the hands of the NDOT; therefore, we do not have a concern about the time frame. In some instances, we obtain our permits in 10 to 15 minutes from the NDOT. The delay has never been with the NDOT.

SENATOR LEE:

What about special county-specific road closures?

MR. MILLER:

The advisory committee is supposed to address this matter. The entities are required to notify the NDOT of specific road closures.

RICHARD J. YEOMAN (Administrative Services Officer, Nevada Department of Transportation):

The NDOT supports S.B. 450. I will read from prepared testimony ([Exhibit J](#)).

CHAIR NOLAN:

We will look at time extensions to accommodate the NDOT. From my perspective, the NDOT has been extremely cooperative and helpful with regard to working with industry to keep these loads moving through the State. We want to thank you for your cooperation.

MR. HOLLOWAY:

For the record, " ... there is no intent in this bill, nor should there be, to change the liability for maintaining roads and highways. So if a county has that liability, they need to continue that, and if NDOT happens to be a state road and they have that liability, this bill is not intended to change that and should not."

MR. FRIERSON:

We support S.B. 450 with our proposed amendment previously mentioned, [Exhibit I](#). The proposed amendment is to ensure that everyone is together for

providing recommendations and information. The compensation is to provide a reimbursement mechanism for damage incurred from these vehicles.

SENATOR HECK:

I am wondering about the compensation mentioned in your proposed amendment. It relates to the administration of permits. This bill does allow you to issue permits; the NDOT will be issuing the permits. The language needs to be modified if the compensation is for damage caused by movement of a load and not for administrative costs associated with permit issuance.

MR. FRIERSON:

The point is not on who is compensated but actually to establish policy for compensation. The decision-making process would be with the advisory committee.

CHAIR NOLAN:

I agree with Senator Heck regarding this section of your proposed amendment. Mr. Frierson, this is not a personal admonishment. I want you to know how disappointed we are with the Clark County Public Works Department for making us go through this exercise again this Session. Two years ago, they gave us their word they were going to accommodate the industry. During those two years, we experienced almost complete and utter contempt towards the process from the Clark County administration. I would not even refer to it as a bad-faith effort. There was zero effort towards cooperation. It was almost like they tried to make the problem worse. It was very, very frustrating. I want the Clark County commissioners to know how dissatisfied I am with the director of the Clark County Public Works Department. I am sorry you are the one here. Someone else should be sitting in that seat. I recommend striking the compensation portion of the proposed amendment. You can always address it in the Assembly.

MS. STOKEY:

We have experienced some problems trying to move our transformers and facilities in southern Nevada. We need to get power restored quickly. We will do anything we can to support the process and we support S.B. 450.

RANDY ROBISON (Associated Builders and Contractors of Southern Nevada):
We support S.B. 450.

CRYSTAL D. SODERMAN (Associated General Contractors, Nevada Chapter):
We support S.B. 450.

CHRIS B. KNIGHT (City of Las Vegas):
We have an individual in Las Vegas wishing to testify in opposition to this bill.

O. C. WHITE (City Traffic Engineer, City of Las Vegas; City of North Las Vegas):
We are in opposition to S.B. 450. We were not aware of the difficulties the industry was having with Clark County. We fulfilled over 400 requests made by the NDOT within the one working-day time frame. We adopted additional truck routes so we could provide that service to the trucking industry. I was surprised to hear about the difficulties. In 2006, we had over 3,144 lane closures throughout the city. Being able to coordinate with the NDOT is invaluable. Our biggest concern is that this bill might remove our participation in the permitting process.

CHAIR NOLAN:

I understand your opposition. It was not the City of Las Vegas or the City of North Las Vegas that were negatively impacting the permitting process. My understanding is that it is the NDOT's intention to continue to conduct business as usual regarding working with the different municipalities. I do not think the tenets of the bill will affect the operating procedures that you now enjoy with the NDOT.

MR. WHITE:

There was one element that indicated the city might not be able to regulate some of its roadways.

MR. HOLLOWAY:

In statute, there is a provision that requires the cities and counties to regulate and maintain their roadways and to develop truck routes. One of the responsibilities of the advisory committee will be to work cooperatively with the various entities. Mr. White's concern is addressed in statute.

SHARON WILKINSON (Committee Counsel):

I do not have information to add at this time.

CHAIR NOLAN:

You have brought up some legitimate concerns. We will give you an opportunity to consult with the NDOT. We will have our legal staff review the bill to make sure your concerns are addressed. If needed, we will hold the bill on the Senate Floor for an amendment. We will close the hearing on S.B. 450 and open the work session on S.B. 128. Please refer to your work session document ([Exhibit K](#)).

SENATE BILL 128: Requires the Department of Transportation to fix a reduced maximum weight limit for vehicles traveling on certain highways. (BDR 43-211)

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

Thank you for the opportunity to do some additional work on S.B. 128. We have a proposed amendment that is agreeable to the parties that expressed concern over the original bill. I hope this Committee will pass this proposed amendment. When I first brought the bill to you, it had come out of the interim subcommittee to study the protection of Nevada's natural treasures. This Committee commented that the original bill was too broad because it encompassed all scenic highways. Taking that direction, I narrowed it to the road through Red Rock Canyon. Again, this Committee said it was too broad. Senator Amodei expressed concern as to why Red Rock Canyon should have this special protection. The trucking industry agreed with Senator Amodei saying it was going to open the floodgates and other scenic areas will want this same provision. I worked on the bill some more, which is the proposed amendment before you. We have included a description of the Red Rock Canyon National Conservation Area that delineates why it needs this protection. We made it clear that by creating this special protection for this area, we do not intend to encourage other scenic routes to follow. Additionally, we added another section requiring other areas seeking the same consideration to meet certain requirements and present that information to the NDOT. The NDOT will have to get approval from their Board of Directors. We have also described the route using mileposts. I believe everyone supports this proposed amendment. I would also like to thank Ms. Wilkinson for her patience and assistance.

MR. ENOS:

We support S.B. 128 as amended. I thank Senator Titus for listening to our concerns. It has been a tough process. We have developed a responsible solution to address these and future concerns.

SENATOR LEE:

I would like to thank Mr. Enos for assisting with the process. There are a lot of people that enjoy Red Rock Canyon.

MANDI LINDSAY (Associated General Contractors, Las Vegas Chapter):

I would also like to applaud Senator Titus for working with us on this bill and we support S.B. 128 as amended.

CHAIR NOLAN:

Mr. Cerocke, thank you for providing the information we previously requested ([Exhibit L](#)). We received the information within the requested time frame and we appreciate your responsiveness. The NDOT, in their letter, has requested, "In closing, it should be noted that buses, such as school and tourist buses, weigh ... 40,000 pounds and should probably be excluded" Senator Titus, is this request acceptable?

SENATOR TITUS:

Yes, it is acceptable.

CHAIR NOLAN:

We will have Ms. Wilkinson include that in the proposed amendment as well.

We have a representative from the Regional Transportation Commission of Southern Nevada (RTC). We had asked them to provide information regarding proposed alternative routes.

JERRY DUKE (Assistant Planning Manager, Regional Transportation Commission of Southern Nevada):

I will read from prepared testimony ([Exhibit M](#)). I am the project manager on the project called, *The State Route 160 High Speed Connection Study*, which is looking at those alternatives to connect from State Route 160 to the Beltway.

CHAIR NOLAN:

Thank you for being here and for providing the requested information. It is disheartening, and it is not RTC's fault, that the time frame puts an alternate route so far in the future. The truck count for heavy trucks going through there is 197 trucks a day. Some will need to plan alternate routes. We will close the hearing on S.B. 128.

SENATOR CARLTON MOVED TO RESCIND THE PREVIOUS MOTION ON S.B. 128.

SENATOR WOODHOUSE RESCINDED THE SECOND.

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SENATOR CARLTON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 128 WITH THE MOCK-UP AMENDMENT PREPARED BY SENATOR TITUS AND TO INCLUDE THE EXEMPTION FOR SCHOOL AND TOUR BUSES.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR NOLAN:

We will revisit previously discussed bills. The first bill was S.B. 173. We had a proposed amendment to section 3.

SENATE BILL 173: Revises provisions relating to the expenditure of money received from the Federal Government to prevent or respond to acts of terrorism. (BDR 31-224)

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 173.

SENATOR HECK SECONDED THE MOTION.

SENATOR CARLTON:

I was concerned with the mandatory provision of approving these grants. I reread A.B. No. 441 of the 72nd Session and what we had established for the NCHS. That bill included language such as comprehensive oversight, structure, coordinate, look at the access, examine, renew, etc. It did not provide for the NCHS to approve or deny grants. I have a problem giving them that authority. I would like them to coordinate the efforts and make sure nothing is duplicated;

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however, I am uncomfortable with them having denial power. I do not see that as part of the NCHS function. I will not be able to support this motion.

THE MOTION CARRIED. (SENATORS CARLTON AND WOODHOUSE VOTED NO.)

* * * * *

CHAIR NOLAN:

The next bill we heard was S.B. 393. This included an amendment as a whole and a modification to section 15, [Exhibit F](#).

SENATE BILL 393: Makes various changes concerning transportation. (BDR 43-109)

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED S.B. 393 AS A WHOLE INCLUDING THE MODIFICATION OF SECTION 15, OF [EXHIBIT F](#).

SENATOR CARLTON SECONDED THE MOTION.

SENATOR WASHINGTON:

Does this have a mock-up?

CHAIR NOLAN:

This included the amendment as a whole. Also, in section 15, [Exhibit F](#), we are proposing to strike some of the language.

SENATOR WASHINGTON:

I believe Mr. Fairman asked something about charter buses.

MR. FAIRMAN:

Are we going to add charter buses to the bill or are we going to have a workshop later?

CHAIR NOLAN:

No. This bill will stand the way it is presented in the amendment as a whole.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR NOLAN:

I was absent for some of the hearing on S.B. 236. I understand there was significant opposition to this bill. I will defer to Senator Heck who was chairing this Committee during that time. Should we take action on this bill?

SENATE BILL 236: Requires vehicles transporting certain materials to cover those materials with a tarp. (BDR 43-926)

SENATOR HECK:

I would save this for a future work session.

CHAIR NOLAN:

We will hold S.B. 236 over for a future work session. We will revisit S.B. 300.

SENATE BILL 300: Revises certain provisions governing hours-of-service limitations for intrastate drivers of certain commercial motor vehicles. (BDR 58-1319)

SENATOR WASHINGTON MOVED TO DO PASS S.B. 300.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR NOLAN:

The next bill we heard was S.B. 379. We will hold this bill because it will be redrafted as a concurrent resolution. Our final bill is S.B. 450. This bill received a proposed amendment from Clark County. I suggested we strike a portion of that proposed amendment.

SENATE BILL 450: Makes various changes to provisions relating to the regulation of oversized and overweight vehicles. (BDR 43-1140)

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SENATOR CARLTON MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 450 STRIKING SECTION 3 OF THE PROPOSED AMENDMENT FROM
CLARK COUNTY.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR NOLAN:

There being no further comments or business, this meeting of the Senate
Committee on Transportation and Homeland Security is adjourned at 5:41 p.m.

RESPECTFULLY SUBMITTED:

Lynette M. Johnson,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____