

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

**Seventy-Fifth Session
May 7, 2009**

The Committee on Transportation was called to order by Chairman Kelvin Atkinson at 1:46 p.m. on Thursday, May 7, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Kelvin Atkinson, Chairman
Assemblyman Mark A. Manendo, Vice Chair
Assemblyman John C. Carpenter
Assemblyman Chad Christensen
Assemblywoman Marilyn Dondero Loop
Assemblyman Pete Goicoechea
Assemblyman Joseph M. Hogan
Assemblyman Ruben J. Kihuen
Assemblywoman Ellen B. Spiegel
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Jerry D. Claborn (Excused)

GUEST LEGISLATORS PRESENT:

Senator Michael (Mike) A. Schneider, Clark County Senatorial District No. 11
Senator Randolph J. Townsend, Washoe County Senatorial District No. 4

Minutes ID: 1130

CM1130

Senator Dennis Nolan, Clark County Senatorial District No. 9

STAFF MEMBERS PRESENT:

Marjorie Paslov Thomas, Committee Policy Analyst
Darcy Johnson, Committee Counsel
Sharon McCallen, Committee Secretary
Steven Sisneros, Committee Assistant

OTHERS PRESENT:

Andy Mackay, Chairman, Nevada Transportation Authority, Reno, Nevada
Terry Graves, Las Vegas, Nevada, representing Nevada Motor Transport Association, Las Vegas, Nevada
Tim Tetz, Executive Director, Office of Veterans Services, Reno, Nevada
Martha Barnes, Administrator, Central Services and Records Division, Department of Motor Vehicles
Jo Sprinkle, Minden, Nevada, representing the Sierra Nevada Blue Star Mothers, Reno, Nevada
John Jeffrey, Henderson, Nevada, representing B and E Towing, Henderson Nevada
Jim Gibson, Henderson, Nevada, representing Insurance Auto Auctions, Henderson, Nevada
Robert Ellis, Henderson, Nevada, representing Insurance Auto Auctions, Henderson, Nevada
Leo Drozdoff, Administrator, Nevada Division of Environment Protection, Department of Conservation and Natural Resources
Derek Morse, Interim Executive Director, Regional Transportation Commission of Washoe County, Reno, Nevada
Dan Hyde, Fleet and Transportation Services Manager, City of Las Vegas; Executive Director of Las Vegas Regional Clean Cities, Inc., Las Vegas, Nevada

Chairman Atkinson:

[Rolled called.] Please mark the others present as they arrive. The only member excused today is Mr. Claborn.

We have four bills before us as well as a work session. We will start with Senate Bill 27. We will have to take Senate Bill 247 right at 2:15 p.m. as the two Senators testifying have to leave for another meeting.

Senate Bill 27: Revises provisions relating to motor carriers. (BDR 58-436)

Andy Mackay, Chairman, Nevada Transportation Authority, Reno, Nevada:

Senate Bill 27 contemplates four changes. The first change is in section 1; an amendment to *Nevada Revised Statutes* (NRS) 706.386. It will clearly delineate, in statute, the state's permissive authority to issue Certificates of Public Convenience and Necessity to intrastate charter bus operators. The plain language of the statute says "every regulated common motor carrier of interstate commerce or those that provide tow car service." An intrastate charter bus operator is not a fully regulated carrier, nor obviously, is it a tow car operator. So what this will do is clearly put into statute that the state has the authority to issue Certificates of Public Convenience and Necessity. The state's ability to regulate is delineated in regulation, specifically in *Nevada Administrative Code* (NAC) 706.1377, as well as referenced in statute. I want to stress that it is not going to expand the state's regulatory scope over the charter bus industry what-so-ever. It is still preempted pursuant to federal law.

Included in section 2 is the reference that the Legislative Counsel Bureau (LCB) put in, which is great, because it specifically references the term "fully regulated carrier." It shows the carve out with respect to subsections 2 to 5 of section 2 of the bill.

Section 3 of the bill concerns the application process with respect to contract carriers. Currently, for application hearings for fully regulated carriers such as charter limousine operators and taxicab operators, there is a provision in statute that enables the authority, if there are no interventions or protests filed, to forego a hearing. The intention of this statutory change is to put that into the contract carrier application component. The thought process behind that from the Nevada Transportation Authority (NTA) perspective is, if there are no interventions or protests and we can forego a hearing, it will save the applicant both time and money. They will not have to hire a court reporter, or procure witnesses to show up for a hearing. It is set up to bring consistency between the two statutes as well as to create a convenience for the applicants themselves.

Additionally, the final change in section 4 relates to the impound statute. Currently, the language indicates that if a vehicle is impounded by the Nevada Transportation Authority and the vehicle is being used for unlawful passenger transportation or transportation of household goods, the respondent is to both appear before the Authority and post a bond. Obviously, if you appear before the Authority within the requisite 48-hour time frame, it negates the necessity to post a bond with the Authority to release the vehicle. The intent of the statutory change is to clearly delineate that respondents have the option of posting the bond to get their vehicle released from the NTA, or to

go forward with the hearing. The vast majority of individuals that appear before the NTA are not represented by attorneys, so they will often show up assuming they have to post the \$20,000 bond as well as go forth with the hearing. Clearly that is not the case.

Assemblyman Carpenter:

In regard to the buses, does this do anything to the buses carrying the workers back and forth to the mines?

Andy Mackay:

To those that are operating, no. Certain companies own their vehicles and they transport their employees. That is under a different statutory authority. That is with respect to employee van pools. All they have to do is register their vehicles. Commonly, in Elko County, certain companies operate as contract motor carriers. They are actually fully regulated carriers. They are not impacted by this statute.

Assemblyman Goicoechea:

Why are the buses in Elko fully regulated if they stay right there? They are running intrastate.

Andy MacKay:

The short answer is, it depends on who the bus is contracted with—they are contract carriers because the motor carrier in question is independent of the mine. They have entered into a contract with the respective mine for transporting employees from Elko to Carlin. They have a contract entered into with Barrick Goldstrike specifically to transport those individuals. Because a contract has been entered into and is charged at a per capita rate for each individual who gets on that bus, that is outside the scope of what an intrastate charter bus is. To be an intrastate charter bus, the vehicle as a whole has to be chartered exclusively for a period of time. It cannot be brokered out on a per capita basis. That is the nuance behind that.

Assemblyman Goicoechea:

It is not really an issue; I was just trying to understand why.

Terry Graves, Las Vegas, Nevada, representing Nevada Motor Transport Association, Las Vegas, Nevada:

We support Senate Bill 27.

Chairman Atkinson:

We will close the hearing on Senate Bill 27 and bring it back to work session. We will open the hearing on Senate Bill 139.

Senate Bill 139: Provides for the issuance of special license plates for family members of persons killed in the line of duty while on active duty in the Armed Forces of the United States. (BDR 43-199)

Senator Dennis Nolan, Clark County Senatorial District No. 9:

Senate Bill 139 is a bill that was originally asked for toward the end of last session by Senator Heck. He asked me to carry the bill forward for him. The bill would modify existing military license plates to create a Gold Star license plate. The Gold Star is a designation given to a family member of one who was killed in the line of duty in military combat. We try to take license plate issues to the Commission on Special License Plates.

I have a mock-up to share with you of how it might look. There is a slightly different version of what the plate is actually going to be, but what you can see now is the plate with the respective military service seal, then those family members of someone who has fallen in the line of duty would be entitled to have a Gold Star placed on that plate as well.

Chairman Atkinson:

Because you sit on the Commission for Special License Plates as well, why are we not sending it to the Commission as opposed to sending it here? Or are we going to do both?

Senator Nolan:

I think the requirements for going before the Special License Plate Commission were for those entities that were seeking a new license plate or for those that already exist. Since we were not seeking a new plate, only to modify a current plate, there had to be a change in statute. My understanding was that by the requirements of what does have to come before the Commission on Special License Plates, it had to first come before the Assembly Committee on Transportation.

Chairman Atkinson:

So they do not have to meet the same requirements that we have placed on special license plates? It was 1,000 signatures and is now \$5,000. Also, they would not be in the 25 queue?

Senator Nolan:

That is correct. There is an exemption for certain designations of license plates, like the Purple Heart. Hopefully we would never have enough people to register for a Purple Heart to get that license plate. It is the same thing with the Gold Star. Since there is a relatively low number of people, albeit too many, who

would be eligible to receive a Gold Star license plate, they would not have to meet the requirements that the other license plates are required to meet.

Chairman Atkinson:

How would one preregister for a Gold Star license plate? Would it be just for family members who lost someone after the law was passed, or also for family members who previously had someone fall in the line of duty?

Senator Nolan:

My understanding is that it would be available to anyone who has fallen in the line of duty from the beginning of the Continental United States.

Chairman Atkinson:

You can see where I am going, because if it is before this law, we know that there will be some forthcoming, but if it is after, we do not know how many.

Tim Tetz, Executive Director, Office of Veterans Services, Reno, Nevada:

It is our intent that we open this up for every eligible Gold Star Family member. What the Gold Star Family members receive from the U.S. Department of Veterans' Affairs (VA) is a form 1300. Form 1300 is basically a casualty notification form, listing the parents and the children of the casualty. That is the form they would use for applying for the Gold Star license plate. They would take form 1300 to the Department of Motor Vehicles (DMV) and it would only be the people listed on that form, or a waiver saying that this person is a close relative. It was never our intent to parse out this population. They have given so much, we do not need to subgroup them.

Martha Barnes, Administrator, Central Services and Records Division, Department of Motor Vehicles:

There are a number of plates which are not included in the specialty plate queue of 25—veterans' plates, professional firefighters, and volunteer firefighters—because they have restricted who can apply for those plates.

Chairman Atkinson:

I knew that was where we were going, I just want it to be brought out publicly because we will undoubtedly get someone who says "Well, why are we still on that list of 25 if you guys allow...?" I wanted to make sure it was on record. I appreciate your coming up and helping us clarify that.

Assemblyman Manendo:

On page 3 it says, "Included persons killed directly in the line of duty and persons who die as a result of the injuries sustained in the line of duty." My question is, if someone were disabled or got sick because of their service in a

time of war, would they still be eligible if it was ten years later when they passed after getting out of the service?

Tim Tetz:

They would not be eligible for the Gold Star unless they passed away. I know of circumstances where someone is injured or gets sick in time of war due to war injuries and dies 50 years later and we have them now on the Vietnam Wall. Because of their injuries during Vietnam they never fully recovered, and their family members ultimately received Gold Star eligibility and they ended up on the Vietnam Wall. That long-standing debate would certainly continue here. The Department of Defense (DOD) has rules that promulgate them.

Assemblyman Manendo:

I just want to make sure the intent was to also include those folks.

Tim Tetz:

Once they have passed away. Yes, sir.

I would like to reiterate some history behind the Blue and Gold Star Banner so you understand the importance of this plate and can tell your constituents. The Blue Star Banner is a long and storied legend in American history. The first Blue Star Banner was sewn by a Captain in Ohio who had two sons deployed in World War I. He took a banner, made blue stars on it, and put it on his porch. He got so many requests from his neighbors to do similar banners, he felt it was important to do that and began that tradition in Ohio. It was an Ohio congressman who then said on the floor of Congress that "the world should know of those who give so much for liberty, the dearest thing in all the world to a father or mother is their children and that is what a Blue Star Banner has come to mean." It was not until World War II (WWII) that the Department of War actually made the Blue Star Banner and the Blue Star lapel pin formal recognitions.

In WWII they began a new tradition. When a deployed soldier or sailor was killed in WWII, that blue star that was on their front porch was stitched over with a gold star so that those passing in the street would see that not only did that person have someone deployed, but they made the ultimate sacrifice in service to their country.

We cannot see Gold and Blue Star Banners anymore, because we no longer walk down our streets and do not live in that neighborhood. It is important for us to provide a Gold Star license plate so that we can always say when we see

a Gold Star license plate, that family gave the ultimate for our freedoms and our sacrifices.

If you ever go to a memorial service for a veteran, joining all the veterans who may be attending, you will also see a very special group of people and that is the Blue Star Mothers who have been so supportive in this issue. A very important person is Sally Wiley—a Blue Star Mother who was absolutely everything I ever needed of her. She was at ceremonies and speeches and is one of the best veteran advocates we could have. On February 15, I received notification that her son, Staff Sergeant Sean Diamond, was killed in Iraq. You recognized him in your service on the Assembly Floor on March 4. Sally is one of those Gold Star Mothers, one of those families who have given so much. She is one of the people to whom we could express a small token of our appreciation.

This is not a specialty plate as you alluded to, Mr. Chairman. This is a production plate like the Purple Heart, the Prisoners of War (POW), and the Veterans' plates for Pearl Harbor survivors. There will be a limited number, but this plate will mean so much. The way this will happen is that DOD form 1300 explicitly lists the names. It is simply a matter of taking that form into the DMV office and saying "my name is this and I would like to have this plate to recognize the sacrifice of my family member." Again, it would mean so much to them; a small token of appreciation to recognize those who have given so much.

Jo Sprinkle, Minden, Nevada, representing the Sierra Nevada Blue Star Mothers, Reno, Nevada:

I am a friend of Sally Wiley, our new Gold Star Mother. Some gave some, all gave some, but Sally's son gave all. We do have other Gold Star Families here in Carson City, but Nevada can step up. Nevada can make this plate happen. It is not a big thing for a lot of people, but to Sally and all of the other families, it would be a wonderful thing. I ask you to please make this happen.

Chairman Atkinson:

Are there any other states doing this?

Tim Tetz:

There are 35 states that currently have this plate and five are working on it, including Nevada.

Chairman Atkinson:

How soon can the DMV have them ready?

Martha Barnes:

At this point, once the bill is passed and signed, we can work with Veterans' Affairs and determine what design they want and it will just be a matter of time to get them out. We can work on it very quickly.

Chairman Atkinson:

We will close the hearing on Senate Bill 139. Two of our members are not here today, but out of respect for our veterans I would like to take a vote on this bill today.

ASSEMBLYMAN MANENDO MOVED TO DO PASS SENATE BILL 139.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN AND CLABORN WERE ABSENT FOR THE VOTE.)

We will give it to Mr. Manendo to handle on the floor. We will open the hearing on Senate Bill 247.

Senate Bill 247: Grants to Senator William J. Raggio the use of a special legislative license plate designated "State Senator 1" as a lifetime endowment. (BDR S-725)

Senator Randolph J. Townsend, Washoe County Senatorial District No. 4:

The bill before you today is self explanatory. I was fortunate enough to serve under a portion of former Speaker Dini's tenure here, and he was my mentor in politics. When I got involved going statewide with an initiative petition to create the Office of Consumer Advocacy, the first person to allow me to set up a table to obtain signatures was Dini's Lucky Club. For that I will remember him forever and the consumers in the State of Nevada should also remember him. When a bill was forwarded by former Speaker Perkins as well as current Speaker Buckley, all of us were very pleased and it touched all of our hearts to be able to do the same for former Speaker Dini.

This bill is simply a copy of the one to honor the 37, about to be 38 years, of service by Senator Raggio, 20 of which were served as Majority Leader. It is that simple; it is a copy of the former bill honoring Speaker Dini.

Chairman Atkinson:

We will close the hearing on Senate Bill 247 and bring it back next week for the full Committee.

We will try to contact Senator Schneider, but will begin the work session while waiting.

Senate Bill 100: Revises the provisions governing the period of revocation of a driver's license upon conviction of certain offenses involving driving under the influence. (BDR 43-342)

Marjorie Paslov Thomas, Committee Policy Analyst:

[Read from work session document, ([Exhibit C](#)).]

Chairman Atkinson:

Are there any questions from the Committee members? Assemblyman Manendo is looking up something. He is okay. Is there any further discussion?

ASSEMBLYWOMAN SPIEGEL MOVED TO AMEND AND DO PASS
SENATE BILL 100.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN AND
CLABORN WERE ABSENT FOR THE VOTE.)

We will now entertain Senate Bill 360 (1st Reprint) under our work session.

Senate Bill 360 (1st Reprint): Revises provisions governing the sale and title of salvage vehicles. (BDR 43-1244)_

Marjorie Paslov Thomas, Committee Policy Analyst:

[Read from work session document, ([Exhibit D](#)).]

Chairman Atkinson:

We heard this bill last week and the parties were still working on their proposed amendments. I believe this is what they have agreed on. Is that correct?

John Jeffrey, Henderson, Nevada, representing B and E Towing, Henderson Nevada

I was not a part of those negotiations. Jim Gibson is in the audience in Las Vegas, and I believe that he and the people that John Griffin represent have come to an agreement on these amendments.

Chairman Atkinson:

I did not ask you if you were a part of it, I asked if you knew about the agreement. Did they agree?

John Jeffrey:

I knew about the agreement and they agreed as far as I know.

Jim Gibson, Henderson, Nevada, representing Insurance Auto Auctions, Henderson, Nevada:

The answer is, yes.

Robert Ellis, Henderson, Nevada, representing Insurance Auto Auctions, Henderson, Nevada:

The answer is, yes.

Chairman Atkinson:

Both parties have agreed. Since they have, I am okay with it as well. Is there any discussion from the Committee members?

ASSEMBLYMAN MANENDO MOVED TO AMEND AND DO PASS
SENATE BILL 360 (1st Reprint).

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSMBLYMEN CHRISTENSEN AND
CLABORN WERE ABSENT FOR THE VOTE.)

Chairman Atkinson:

We will now open the hearing on Senate Bill 332 (1st Reprint).

Senate Bill 332 (1st Reprint): Revises provisions governing the use of
alternative fuels and clean vehicles. (BDR 43-1147)

Senator Michael (Mike) A. Schneider, Clark County Senatorial District No. 11:

Senate Bill 332 (R1) follows up on the Energy, Infrastructure, and Transportation Committee hearings regarding the alternative fuel vehicle programs in *Nevada Revised Statutes* (NRS) 486A.150 which we held during the first week of the session. Our Committee has been looking at existing energy programs to determine what is working, what is not, and what can be done to improve these programs. We heard from state and local fleet managers that Nevada has a good program, but over the years conditions have changed and our statutory scheme needs updating. Senate Bill 332 (1st Reprint) embodies the recommendations from the working group we charged with

updating our statutes. The bill operates in conjunction with Senate Joint Resolution 9 which urges congress to enact legislation authorizing hybrid electric vehicles to fully qualify for state compliance under the energy policy act. I have provided a copy of S.J.R. 9 for your review ([Exhibit E](#)). Between S.B. 332 (1) and S.J.R. 9 we can significantly improve our already good alternative fuel vehicle fleet. *Nevada Revised Statute* (NRS) 486A.150 directs the State Environmental Commission to adopt regulations concerning alternative fuels and alternative fuel vehicles. *Nevada Revised Statute* (NRS) 486A.160 requires the Department of Conservation and Natural Resources to enforce those regulations. These provisions were enacted in 1991 by Assembly Bill No. 812 of the 66th Session from the Assembly Committee on Transportation. The major regulations are *Nevada Administrative Code* (NAC) 486A.160 and 486A.180. You have copies of those regulations in the packet I have provided ([Exhibit E](#)), along with a copy of NRS 486A.150. If you would like to read the legislative findings for Chapter 486A.010, there is a separate sheet on that.

To highlight how important air quality is, there is a news article regarding a study from Brigham Young University researchers published January 21, 2009, in the *New England Journal of Medicine* indicating that air pollution has declined between 1980 and 2000. It appears to have added five months to the average American's life span. Some cities like Pittsburgh that did the best job of cleaning up their air added as much as ten months to the life span of their citizens. I have included a copy of that article for your review in the exhibit as well. I have also included a news article indicating that 92 percent of the federal government's alternative fuel vehicles actually run on standard gasoline, not alternative fuels. We want to ensure our Nevada alternative fuel fleets do not wind up being alternative in name only.

I would now like to ask the parties to come forward and provide a prospective on Senate Bill 332 (R1). Last week a new list came out and had Carson City in the top five cities with the cleanest air in the United States. It had Las Vegas as the twelfth dirtiest air in the United States.

**Leo Drozdoff, Administrator, Nevada Division of Environment Protection,
Department of Conservation and Natural Resources:**

[Spoke from prepared text ([Exhibit F](#)) presenting amendments to S.B. 332 (R1) ([Exhibit G](#)).]

Chairman Atkinson:

The Senator does agree with these amendments, correct?

Leo Drozdoff:

That is correct.

Derek Morse, Interim Executive Director, Regional Transportation Commission, of Washoe County, Reno, Nevada:

We do support this bill as amended. That is not only the Regional Transportation Commission (RTC) of Washoe County supporting this, but also the RTC of Southern Nevada and the City of Reno asked me to express their support for this. We do appreciate Senator Schneider's championing of this cause, and I would like to thank Mr. Drozdoff and his staff for their cooperation in addressing our concerns.

Assemblyman Hogan:

I believe I heard the Senator indicate that the fleets in the federal service or the Environmental Protection Agency (EPA) were, in fact, standard gasoline burning vehicles masquerading, as it were, as clean energy vehicles. Did I hear that completely wrong?

Leo Drozdoff:

Yes.

**Dan Hyde, Fleet and Transportation Services Manager, City of Las Vegas;
Executive Director of Las Vegas Regional Clean Cities, Inc., Las Vegas,
Nevada:**

I would like to go on record to say that both the coalition and the City of Las Vegas fully support Senate Bill 332 (R1) as amended and commend all of the parties that participated in getting the amendments in place.

Chairman Atkinson:

As there are no more questions, testimony, or public comment, we will close the hearing on Senate Bill 332 (R1). [Adjourned at 2:49 p.m.]

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: May 7, 2009

Time of Meeting: 1:46 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 100	C	Marjorie Paslov Thomas	Read from Work Session document Senate Bill 100
S.B. 360 (R1)	D	Marjorie Paslov Thomas	Read from Work Session document <u>Senate Bill 360 (1st Reprint)</u>
S.B. 332	E	Senator Michael A. Schneider	Presented Background Material on <u>Senate Bill 332 (1st Reprint)</u> including copy of Senate Joint Resolution 9
S.B. 332 (R1)	F	Leo Drozdoff	Read from prepared testimony on <u>Senate Bill 332 (1st Reprint)</u>
S.B. 332 (R1)	G	Leo Drozdoff	Proposed Amendment