

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

**Seventy-Fifth Session  
May 14, 2009**

The Committee on Transportation was called to order by Chairman Kelvin Atkinson at 1:44 p.m. on Thursday, May 14, 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/](http://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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

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

**COMMITTEE MEMBERS ABSENT:**

Assemblyman John C. Carpenter (excused)  
Assemblyman Jerry D. Claborn (excused)  
Assemblywoman Melissa Woodbury (excused)

**GUEST LEGISLATORS PRESENT:**

Senator John Jay Lee, Clark County Senatorial District No. 1  
Assemblyman Joseph (Joe) P. Hardy, Clark County Assembly  
District No. 20

**STAFF MEMBERS PRESENT:**

Marjorie Paslov Thomas, Committee Policy Analyst  
Darcy Johnson, Committee Counsel  
Marlen Schultz, Committee Secretary  
Steven Sisneros, Committee Assistant

**OTHERS PRESENT:**

Paul Enos, Chief Executive Officer, Nevada Motor Transport Association,  
Reno, Nevada  
Michael Geeser, Media/Government Relations, AAA Nevada, Las Vegas,  
Nevada  
Patrick T. Sanderson, Laborers' International Union Local 872 AFL-CIO,  
Las Vegas, Nevada  
Javier Trujillo, Intergovernmental Relations Specialist, City Manager's  
Office, City of Henderson, Nevada  
Michael W. Lawson, Chief, Traffic Information, Department of  
Transportation

**Chairman Atkinson:**

[Roll taken.] Assemblyman Carpenter, Assemblyman Claborn, and Assemblywoman Woodbury will not be joining us today. We have several bills to discuss during our work session, but before we address those bills we will hear a presentation on Senate Bill 206 (1st Reprint) to determine if we will add this legislation to our work session.

**Senate Bill 206 (1st Reprint):** Establishes provisions governing the construction and operation of certain toll roads. (BDR 35-1091)

**Senator John Jay Lee, Clark County Senatorial District No. 1:**

I do not believe any Committee in this building is more understanding of this issue than the Assembly Transportation Committee. I know you have heard a good deal of testimony, and your Committee members are as talented and knowledgeable about this particular measure as anyone in this building. Senate Bill 206 (1st Reprint) relates back to our tenure together on the Governor's Blue Ribbon Panel. We were able to sit in concert with other people and discuss issues and learn what other states were doing with these public-private partnerships (PPPs). Public-private partnerships are becoming very interesting to many municipalities. One in particular, Chicago, has given the responsibility of collecting monies and maintaining parking meters to a private company. The first day this new partnership began, the fees were raised by one dollar. The early results of these PPPs show that the

local governments are not getting the better end of the deal, and these agreements are now being called pickpocket partnerships. Over a lengthy contract period of 50 to 75 years, the local communities are losing a significant amount of money. This is a bill providing for the construction and operation of certain toll roads with certain stipulations. It says if we want to take one of our highways and turn it into a toll road, there would be certain things that would have to take place before we would allow that to happen. I felt we needed something that would strengthen the state's position if these partnerships ever decided they wanted to come into Nevada. I wanted to ensure these partnerships would be held to a high level of responsibility to the state.

The provisions in this amendment ([Exhibit C](#)) would guarantee that any toll road would be constructed with the public's best interest in mind. We want to preserve the roads already paid for by Nevada taxpayers. We do not want to give these roads up. Taxpayers have worked to pay for them, and they deserve to use these roads because they belong to our residents. This bill will return fair market value to the motorists in this state.

They will be constructed after a clear public meeting process, and built properly. They will be subject to the control and administration of the Nevada Department of Transportation (NDOT). Section 5 says we will implement a Tolling Revenue Commission, and in section 4 it lists who will be on the commission. Instead of having a small group of people decide what the tolls are going to be, we will have a commission that is responsible and accountable to the state and elected by the people in the State of Nevada. The Tolling Revenue Commission will set the fees and how the revenues are to be spent.

In section 3 it states, "No privately operated toll road may be constructed or operated upon a public highway in this State unless there exists an alternate road that can accommodate the same classes of vehicles as the toll road." Anyone who has driven up to Carson City knows that when you get to Hawthorne a driver can take the hazardous cargo, or truck route, around the town to avoid going through the residential neighborhoods. This road was constructed to divert military ammunition transfers to the naval base.

Likewise, the bridge from Arizona to Nevada that spans the Hoover Dam would be a classic example. Once the bridge is built, we will not have to go over the dam any more. If Boulder City decides it does not want trucks coming through the center of their city, they can construct a bypass around it. However, if they want to use the lanes that the public is already driving on as a toll road, then they would have to dedicate another lane around the outside of their community

so that the trucks and the rest of the motoring public could use that route for free.

**Chairman Atkinson:**

Thank you, Senator Lee. Did you have any others who you wanted to follow you in testifying on this proposal?

**Senator Lee:**

There are a few others waiting in the audience. I do know Paul Enos is prepared to speak, as well as Susan Martinovich, and Dr. Hardy has a particular issue he wants to discuss.

**Chairman Atkinson:**

Do any of the Committee members have any questions for the Senator?

**Assemblyman Manendo:**

Senator, I would like to revisit your mention of the Hawthorne ring road. Are you implying that this road would be eligible to become a toll road?

**Senator Lee:**

No, there would be no toll. If Hawthorne did not want trucks to go through the town then they would have to build a bypass, but they would not be able to charge people to use it.

**Assemblywoman Spiegel:**

I had a question regarding section 3, paragraph 1 where it says that the alternate route can accommodate the same classes of vehicles. What about the I-15 as it comes in from California on that portion from Jean back to Las Vegas where a motorist can take Las Vegas Boulevard south? This alternate route can accommodate cars and trucks so would that be a viable alternative if I-15 was to become a toll road under this provision?

**Senator Lee:**

My understanding is that road is there in case there is an accident on I-15, so people can have a second route in the event of a closure or partial closure. That road could not be a toll road under this proposal.

**Assemblywoman Spiegel:**

Okay, so Las Vegas Boulevard would not count as an alternate means that could accommodate the same types of traffic under this law?

**Senator Lee:**

No, it could not. Mr. Enos will be speaking shortly and perhaps can provide additional clarification if you wish.

**Chairman Atkinson:**

Are there any other questions? We will ask the individuals who are here to testify in favor of Senate Bill 206 (1st Reprint) to come up to the microphones at the speakers' table.

**Paul Enos, Chief Executive Officer, Nevada Motor Transport Association, Reno, Nevada:**

We are here today to support S.B. 206 (R1). We do believe that this bill creates some safeguards for the public. We heard a presentation earlier this session by Dr. Jonathan Peters from the City University of New York's College of Staten Island who talked about several issues we have seen across the country, relative to the pickpocket partnerships. We believe that this bill in its current form does set some parameters in place to show that our state is not ripe for the pickings by these people to come and take advantage of us. In certain cases, we have seen the detrimental possibilities of PPPs to the public interest, and that is why this is a good initiative to establish constraints. It does not authorize toll roads, although the local media has incorrectly characterized it as such. It does create specific rules on toll roads. If a toll road is constructed in Nevada, then these provisions must be followed.

Anyone who drives in this state and pays fuel taxes which pay for our roadways should not be required to pay tolls on pavement that has already been paid for by our taxes. Therefore, this bill clearly says a motorist would not be charged a toll to travel on an existing road.

I would like to address Assemblywoman Spiegel's question about I-15. That interstate route or any of the alternate routes that exist today would not be a toll facility. It does provide some protection for the public. It also creates a Tolling Revenue Commission.

**Chairman Atkinson:**

I have a quick question. You indicated that this proposal does not provide for tolling existing roads like I-15 or US 95.

**Paul Enos:**

It does not allow you to toll an existing road or the existing lanes on those roads.

**Chairman Atkinson:**

It could be tolled if a new lane was added, however.

**Paul Enos:**

Yes, that is correct.

**Assemblyman Christensen:**

On the I-15 next to the fast lane there is a space reserved for distressed vehicles to pull over next to the Jersey barrier. Could that space become a new lane or is there a state law prohibiting that from happening?

**Paul Enos:**

That could become a new lane and would not be prevented under this legislation. It is an area that has already been paid for by the users of our road system through fuel taxes or through their registration fees. If it is a new lane and it will be paid for by toll revenue, then it could be tolled. However, you would be prohibited from taking a lane that is free and designating it as a toll road.

**Assemblywoman Spiegel:**

Just to clarify for me, if the road already exists and it was restriped to create a new lane, would tolling then be allowed?

**Paul Enos:**

In my opinion, that would not be allowable. However, it would rely on what the legislative intent is, and if this bill is passed, I believe it is something you would want to make sure is on the record. If they do restripe or repave the roadway, this could not be construed as creating a new road or lane. I appreciate the fact that you are bringing up these points for clarification.

**Chairman Atkinson:**

I am sorry we interrupted your testimony, but you sparked a few questions that I felt it was best to address immediately. Please continue with your presentation.

**Paul Enos:**

We will create a Tolling Revenue Commission comprised of people who are accountable to the voters. They will be elected officials like county commissioners, chairmen of the transportation committees, and people sitting on the regional transportation boards. These are the individuals who will make decisions about what the toll rates will be, and it creates a level of safety for the public because they are accountable to us. In other jurisdictions we have

seen corporations that decide to set the toll rates, but they are not accountable to the voters.

Senator Lee talked about section 3 of this bill, which we are glad was included. One issue that we were concerned about was if a toll road was constructed and then restrictions were enacted for certain vehicles that prohibited them from using the free alternate route and required them to utilize the roadway that now had a toll involved.

We have asked ourselves the question, are we putting the cart before the horse? Is this legislation being proposed too soon? I debated that myself, but with all the interest we have seen and with our lack of revenue for highway funding, I do believe it is prudent to have restraints in place. In the event someone decides to offer us money for our infrastructure in anticipation of setting up a toll system, it should not be so exorbitant that our residents would be screaming. So, with this bill we have defined the ground rules, and these potential partnerships will be on notice that they must comply if they want to develop something in our state.

**Michael Geeser, Media/Government Relations, AAA Nevada, Las Vegas, Nevada:**

Usually, we are the group that splashes cold water on all of these new ideas like PPPs and toll roads. However, in discussing this concept with Senator Lee and all of the interested stakeholders, it was agreed upon that the items on the list that AAA Nevada has developed for parameters on toll roads would be included in this bill. This bill does exactly what AAA Nevada has been discussing for years, which is to set hard standards that states must adhere to if they are ever going to charge a motorist to travel on their roads. We feel this proposal accomplishes those objectives, and that is why AAA Nevada supports S.B. 206 (R1).

**Chairman Atkinson:**

Are there any questions from the Committee? Does anyone else want to testify in favor of this proposal for the record? Is there any opposition? Is there anyone who wants to make a neutral statement?

**Patrick T. Sanderson, Laborers' International Union Local 872, AFL-CIO, Las Vegas, Nevada:**

With the parameters that have been provided in this proposal and the lack of work for our members, we are behind this bill 100 percent.

**Chairman Atkinson:**

Are there any questions? We have taken all of the testimony, but we understand that Dr. Hardy has an amendment he would like the Committee to consider.

**Assemblyman Joseph (Joe) P. Hardy, Clark County Assembly District No. 20:**

You should have a mock-up of the proposed amendment ([Exhibit D](#)). I wholly endorse Senator Lee's parameters that he has provided you in S.B. 206 (R1). I believe they are reasonable and applicable in the amendment before you that examines the US 93/US 95 link, otherwise known as the Boulder City Bypass.

Boulder City is going to become the next bottleneck now that the bridge bypass will be completed solving the bottleneck on Hoover Dam. I had the opportunity to speak before your Committee before and appreciate your willingness to have me present the amendment. This amendment is not intended to hurt or delay the consideration of S.B. 206 (R1), but I did want to allow you the opportunity to realize that Boulder City is the area the bypass circumvents. However, the flow of traffic and safety are still important issues.

The amendment addresses the public-private partnerships (PPPs) and it examines the tolling issues. In the 2003 Session, there was a bill I sponsored that included design/build provisions which specifically said we would not allow tolling. Now I believe the time is right to consider just such a thing in order to build a new road in a new place to meet all the criteria previously mentioned. Likewise, it would be an ideal demonstration project and it would include video monitoring so there could be a collection of the toll fees without booths. It would provide for the alternative free route to go through town as it does now.

Mr. Enos has expressed concern about a cost-benefit analysis and I would have no objections if the Committee wanted to add that provision.

**Chairman Atkinson:**

Let me remind the Committee members that the amendment Dr. Hardy is proposing actually is from a bill heard earlier this session that dealt with the Boulder City Bypass. Let me explain it for the Committee's review. If this amendment is accepted, then Senator Lee's bill will create an oversight of a toll facility or toll roads that would operate in this state. The Boulder City Bypass would then fall under those restrictions.



**Assemblyman Hardy:**

Yes, sir. I wholly endorse what Senator Lee has suggested and promoted. I am amenable to whatever is necessary so that this amendment's language would dovetail into his proposed bill.

**Chairman Atkinson:**

Are there any questions from the Committee members for Dr. Hardy? Seeing none, I would like to thank you for your testimony. Is there anyone else who wanted to offer testimony on the amendment?

We will close the hearing on S.B. 206 (R1), and although today is our last official day we are not going to adjourn. Instead, we will recess and take up this matter and one other behind the bar during the Assembly floor session. I do want to provide adequate time for the members to review this material and make sure that they are satisfied that all their concerns have been addressed.

I would like to call the Committee members' attention to their work session document, and we are going to take each issue in order. I understand that Senator Townsend and Senator Horsford would like to be present for Senate Bill 247, so if we get to that point in our work session before they arrive, we will skip to the last two issues.

**Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau:**

In the Committee's blue binders, you will find your work session document. The first one under consideration is Senate Bill 9 ([Exhibit E](#)).

[Senate Bill 9](#): Extends the maximum period that a hybrid electric vehicle may be used as a taxicab. (BDR 58-165)

As you will recall this is sponsored by Senator Carlton and was heard on April 23. Senate Bill 9 authorizes a certificate holder to use a hybrid electric vehicle as a taxicab for 24 months longer than a certificate holder can use a non-hybrid vehicle, and there were no conceptual amendments.

**Chairman Atkinson:**

Is there any discussion from any of the Committee members? The Chairman will entertain a motion.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS  
SENATE BILL 9.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER, CLABORN,  
AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Chairman Atkinson:**

Assemblyman Kihuen will present this bill on the Assembly floor.

**Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau:**  
The next bill is Senate Bill 27.

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

This was sponsored by the Senate Committee on Energy, Infrastructure and Transportation. It was heard on May 27 ([Exhibit F](#)).

**Chairman Atkinson:**

Is there any discussion on Senate Bill 27? Seeing none, the Chair will entertain a motion.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS  
SENATE BILL 27.

ASSEMBLYMAN CHRISTENSEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER, CLABORN,  
AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Chairman Atkinson:**

Assemblywoman Dondero Loop will make the floor statement.

**Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau:**  
The next bill under consideration is Senate Bill 218 (1st Reprint), sponsored by Senator Parks and heard on May 5, 2009 ([Exhibit G](#)).

**Senate Bill 218 (1st Reprint):** Revised certain provisions governing fees charged and duties performed by constables and revises certain provisions relating to motor vehicle registration. (BDR 20-846)

**Chairman Atkinson:**

Is there any discussion from the Committee? The Chairman will entertain a motion.

ASSEMBLYMAN MANENDO MOVED TO AMEND AND DO PASS  
SENATE BILL 218 (R1).

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER, CLABORN,  
AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Chairman Atkinson:**

Assemblywoman Spiegel will take this bill to the floor.

**Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau:**

The next proposal is Senate Bill 245 (1st Reprint), sponsored by Senator Lee and heard on May 5.

[Senate Bill 245 \(1st Reprint\)](#): Makes various changes relating to regional transportation commissions. (BDR 22-585)

In general it makes several changes relating to the Regional Transportation Commission, and there is a lengthy summary provided on your work session document ([Exhibit H](#)). There were no proposed amendments.

**Chairman Atkinson:**

Is there any discussion?

**Assemblyman Manendo:**

I had some difficulty over this particular piece of legislation in the area of issuing citations on the buses. My concern was we would have people involved in a situation of confrontation with riders who did not pay their fares. There will be monitors on the buses conducting spot checks during the trip. If the passenger cannot provide proof that the fare was paid, then the inspector will escort the passenger off of the vehicle at the next stop. It was indicated to me that the check would occur during the ride and possibly there would be situation where the bus would be delayed while they verify everyone's credentials. Maybe someone did not understand how to pay the fare, because they will collect the money at a kiosk and not on the bus any more. My concerns have since been alleviated, but I wanted to make sure that if a passenger became hostile that no one on board would get hurt. I have been assured that the monitors will be trained accordingly.

**Chairman Atkinson:**

The Chair will entertain a motion now.

ASSEMBLYMAN CHRISTENSEN MOVED TO DO PASS  
SENATE BILL 245 (R1).

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

**Chairman Atkinson:**

Are there any comments?

**Assemblyman Christensen:**

I appreciate the Vice Chair's willingness to share his concerns over this legislation. I missed that portion of the hearing where those issues were addressed. I was immediately interested in this bill because of its merits in reducing unnecessary delays for bus passengers, and this mirrors other systems that I have seen and reported to be the best run and most modern. I believe the bill is written to handle these details and does not require any additional clarification.

**Chairman Atkinson:**

Is there any other discussion on the motion? Seeing none, we will take a voice vote.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER, CLABORN,  
AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau:**  
The next bill on our work session is Senate Bill 246 (2nd Reprint).

**Senate Bill 246 (2nd Reprint):** Revises provisions governing the sale of vehicles.  
(BDR 43-989)

This proposal was sponsored by Senator Townsend and heard on April 28. This bill makes several changes governing the sale of vehicles ([Exhibit I](#)). The measure prohibits a vehicle manufacturer from taking adverse action against a vehicle dealer who sells a vehicle that is later exported outside of the United States, unless the dealer had actual knowledge of, or reasonably should have known of, the exportation of the vehicle. It also provides for the licensure of an agent for a vehicle broker and specifies that a person who violates the provisions governing the licensure of such agents is guilty of a misdemeanor.

The second amendment adds the provisions of Assembly Bill 290 (1st Reprint) in its entirety. A copy of the floor statement for A.B. 290 (R1) as well as a copy of the bill ([Exhibit I](#)) is included for the Committee's reference.

**Chairman Atkinson:**

Are there any questions from the Committee members? Is there any discussion? We will entertain a motion.

ASSEMBLYWOMAN SPIEGEL MOVED TO AMEND AND DO PASS  
SENATE BILL 246 (2nd REPRINT) WITH BOTH PROPOSED  
CONCEPTUAL AMENDMENTS.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

**Chairman Atkinson:**

Is there any discussion on the motion?

**Assemblyman Goicoechea:**

I need some clarification regarding A.B. 290 (R1), which I believe was voted on earlier by the Assembly. Has it been held up in the Senate?

**Chairman Atkinson:**

Assemblywoman Spiegel can respond to your question, since she originally sponsored this legislation.

**Assemblywoman Spiegel:**

It has not moved out of the Senate at this point. There have been numerous discussions about amending and changing the penalties. I am not positive the Senate committee will be able to reach a resolution in order to pass it.

**Assemblyman Goicoechea:**

Even though I voted in favor of this proposal initially, I still have concerns about a car dealer not being able to sell a vehicle "as is." I do believe there are a number of vehicles that some dealers would like to sell off the lot with no warranty in place, either implied or stated. I do not believe that this proposal actually does that.

**Assemblywoman Spiegel:**

It does allow a dealer to sell a car "as is" if they disclose what the issues are with the vehicle.

**Assemblyman Goicoechea:**

For the record, if a car dealer told a buyer he did not know if anything was wrong with the vehicle and had not checked it, but would sell it to the customer "as is," would that qualify as full disclosure?

**Assemblywoman Spiegel:**

I do not believe that is the legislative intent.

[One-minute recess taken at 2:27 p.m.]

**Chairman Atkinson:**

The Chairman reconvenes the work session. Assemblywoman Spiegel would like to amend her motion.

ASSEMBLYWOMAN SPIEGEL AMENDED HER PREVIOUS MOTION TO AMEND AND DO PASS SENATE BILL 246 (2nd REPRINT) WITH PROPOSED CONCEPTUAL AMENDMENT NO. 1.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER, CLABORN, AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Assemblyman Christensen:**

I wanted to make you aware that I reserve my right to change my vote on the Assembly floor.

**Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau:**  
Senate Bill 251 (2nd Reprint) was sponsored by Senator Nolan and heard on May 12 ([Exhibit J](#)).

[Senate Bill 251 \(2nd Reprint\)](#): Revises certain provisions governing vehicles.  
(BDR 43-1115)

ASSEMBLYMAN MANENDO MOVED TO INDEFINITELY POSTPONE SENATE BILL 251 (R2).

**Chairman Atkinson:**

Is there any discussion?

**Assemblyman Goicoechea:**

In Mr. Geeser's amendment I thought he was explaining about the amber lights and still needing the ability to move the emergency vehicle. Was that exception included in this final bill?

**Michael Geeser, Media/Government Relations, AAA Nevada, Las Vegas, Nevada:**

The intent of the amendment was to allow us to use the amber lights when arriving at the scene of an accident. If the tow car operator needs to move to the front of an accident, then we must continue to leave the amber lights on as opposed to only when the emergency vehicle is stopped at the scene.

**Assemblyman Goicoechea:**

You feel the amendment covers that case?

**Michael Geeser:**

Yes, that is correct.

ASSEMBLYMAN CHRISTENSEN MOVED TO AMEND AND DO  
PASS SENATE BILL 251 (R2).

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER, CLABORN,  
AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau:**  
Senate Bill 332 (1st Reprint) was sponsored by the Senate Committee on  
Energy, Infrastructure and Transportation, and it was heard on May 7, 2009.

[Senate Bill 332 \(1st Reprint\)](#): Revises provisions governing the use and taxation  
of certain fuels. (BDR 43-1147)

It revises the provisions governing the use of alternative fuels and clean vehicles  
by fleets. The summary is contained in the material in your packet together  
with four conceptual amendments introduced by Leo Drozdoff, the  
Administrator of the Division of Environmental Protection with the State  
Department of Conservation and Natural Resources ([Exhibit K](#)).

**Chairman Atkinson:**

Is there any discussion from the Committee? Seeing none, we will entertain a  
motion.

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO  
PASS SENATE BILL 332 (R1) WITH THE FOUR CONCEPTUAL  
AMENDMENTS.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER, CLABORN  
AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Chairman Atkinson:**

Assemblyman Manendo will carry this bill to the Assembly floor session. We will look at two additional bills and begin with Senate Bill 217 (1st Reprint), and the Committee will have to refer to their bill books for the information because it is not in the work session document.

**Senate Bill 217 (1st Reprint):** Enacts provisions relating to the Department of Motor Vehicles and registration under the federal Military Selective Service Act. (BDR 43-119)

**Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau:** Senate Bill 217 (1st Reprint) was sponsored by Senator Coffin and it was heard on May 5. It provides that certain applicants for driver's license instruction permits, identification (ID) cards, and commercial drivers' licenses (CDLs) may authorize the Department of Motor Vehicles (DMV) to forward to the Selective Service System personal information necessary for registration with the System. The bill also requires the DMV to include on the application for any such license or permit a notice that registration with the Selective Service System maintains the eligibility of the applicant for federal student loans, grants, benefits related to job training, most federal jobs, and if applicable, citizenship in the United States. There were no proposed amendments.

**Chairman Atkinson:**

The Committee members will remember we heard this last week. Is there any discussion?

**Assemblyman Manendo:**

This is a piece of legislation I worked on a few sessions ago. I believe it is needed and I support it.

ASSEMBLYMAN KIHUEN MOVED TO DO PASS  
SENATE BILL 217 (R1).

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER, CLABORN,  
AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Chairman Atkinson:**

We will proceed with Senate Bill 243 (1st Reprint).

**Senate Bill 243 (1st Reprint):** Requires local law enforcement agencies to enforce certain state laws. (BDR 43-719)



**Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau:**  
Senate Bill 243 (1st Reprint) was sponsored by Senator Schneider and it was heard on May 12. It authorizes certain category I peace officers or certain inspectors in the Department of Motor Vehicles (DMV) or the Department of Public Safety to have completed a vehicle weight enforcement training program conducted by the Nevada Highway Patrol (NHP) to enforce statutes relating to vehicle weight. I do understand that there may be some proposed amendments that were recently discussed by some of the members.

**Chairman Atkinson:**

Assemblyman Goicoechea had an amendment that he wanted to consider, and I am open to doing that. I also believe the sponsors are aware of this amendment and are willing to discuss it as well.

**Assemblyman Goicoechea:**

In the absence of having a mock-up, I would ask that the Committee please consider putting a population cap of 100,000 on the bill. I believe it is appropriate to initiate this measure in the two urban counties of Clark County and Washoe County to assess how the training programs work. Then in the next session we can decide whether to expand it to include the rural counties. I also spoke with my colleague from Elko and he agrees with this change.

**Chairman Atkinson:**

I did not want this Committee to be in the way of any hay deliveries. I am glad you spoke with Assemblyman Carpenter because I did not have an opportunity to do that.

**Assemblyman Manendo:**

Is that population cap over or under 100,000? I would support it under 100,000. However, if we are going to pass this provision, then I believe it should apply to everyone. If the public policy is to start in Clark and Washoe Counties, then I am opposed to it.

**Assemblyman Goicoechea:**

I understand the policy decision not to apply it on a limited basis. I would like to implement a training program that would be adequate, and I do not believe this can be addressed on a statewide level at this time. I believe the more urbanized areas would have the ability to implement the proposed training. Could you imagine bringing in all the police officers from the rural counties to train them for only five hours, which I believe is insufficient for this type of program?

**Assemblyman Manendo:**

I appreciate your comments, but I do not think we have the money required to implement this program statewide.

**Chairman Atkinson:**

I have a question which I probably should have asked during the Committee hearing, but I believe it came up afterwards. If this is passed, and we excluded the 100,000 cap, then this would be enabling for the rest of the state and the rest of the counties. Is that correct?

**Javier Trujillo, Intergovernmental Relations Specialist, City Manager's Office, City of Henderson, Nevada:**

That is correct. It is enabling language that would allow those law enforcement agencies that have provided training from the NHP to their officers to participate in this program.

**Chairman Atkinson:**

What happens if an individual is stopped for 45 minutes in Henderson because the officer believes his vehicle is overweight, but then it is determined that the load was of legal weight after all? The driver goes on his way, but is stopped in North Las Vegas for another 45 minutes. Is there any way to prevent the recurring stops? Can he be given a certificate?

**Javier Trujillo:**

If a vehicle is pulled over and cited, and then was pulled over again further down the same route, the driver would be able to provide the officer with the citation verifying that he was already pulled over.

**Chairman Atkinson:**

What if the driver was not cited because the load was legal? What can the driver do to avoid further stops?

**Javier Trujillo:**

I do not know.

**Assemblywoman Spiegel:**

When somebody is weighed by the use of these portable scales, are they given some type of paperwork or document stating the weight of the vehicle?

**Javier Trujillo:**

I believe they are given some documentation that reflects the weighing of the vehicle.

**Assemblyman Christensen:**

Is there any chance we could have Mr. Enos sit down and participate with Mr. Trujillo in answering some of these questions?

**Chairman Atkinson:**

I believe the circumstances I raised need to be dealt with seriously and not knowing is an unsatisfactory response. Therefore, would Mr. Enos come forward to help respond to my question? Do we develop some type of document that can be shown to any subsequent officer?

**Paul Enos, Chief Executive Officer, Nevada Motor Transport Association, Reno, Nevada:**

The scenario you described is taking place already. Sometimes a truck driver will move out of one jurisdiction into another and he will be pulled over numerous times. If this happens, the driver usually tells the officer that he was just stopped, and the officer will call dispatch and confirm these facts with the other jurisdictional authority. If the driver is weighed using a portable scale, he will not receive a printout. However, if they travel to a fixed site CAT scale, then a printout will be issued.

**Chairman Atkinson:**

Are there any questions from the Committee?

**Assemblyman Manendo:**

I have a comment. There was a lobbyist who was driving home and realized her headlight was out. She was pulled over by an officer who just gave her warning. The lobbyist was only a short distance from her home, but she got pulled over again and spent another half-hour with the officer explaining her story. For whatever reason, this information is not communicated. I do not see this situation being fixed.

**Michael W. Lawson, Chief, Traffic Information, Department of Transportation:**

First of all, Mr. Chairman, I would like to thank you for responding to my emails the other day. I believe that Assemblyman Goicoechea's conceptual amendment could include language that would call for any law enforcement officer empowered under this bill to issue a weigh ticket to anyone weighed who is not in violation. I believe if that language was included it would address the Chairman's concern that anybody who was interdicted once, upon the second interdiction could show proof of a receipt from the law enforcement agency that they had previously been weighed on that trip on that day. This minor adjustment would address the concern about multiple stops, and would allow this important legislation that provides for the protection of pavement, infrastructure, and bridges to move forward.

**Chairman Atkinson:**

I appreciate your testimony, but could you repeat that last statement? This is new information that I have not heard before.

**Michael Lawson:**

I have been involved in highway cost allocation studies since 1983. We have identified the amount of pavement damage and structural damage attributed to overweight vehicles alone. In 1999, based only on the state-maintained system, there was \$200 million per year of accelerated pavement damage and structural damage attributed to overweight vehicles. The NHP does a tremendous job with the resources they are allocated to prevent the overweight operation of vehicles. The NHP's efforts have been refocused on public safety during an economic situation where resources are limited. This legislation empowers, but it does not mandate, that a local law enforcement agency can contribute to identifying those overloaded vehicles on the surface streets or city streets before these trucks even make it to the major highways. It has a significant potential as a deterrent to protect our infrastructure and that is the value of this proposal.

**Chairman Atkinson:**

I acknowledge your argument, but why is Henderson the only agency concerned about implementing this program?

**Michael Lawson:**

In response to your question, Henderson is not the only one. They are the first to advocate this legislation. Historically, the law enforcement agencies have not had the resources to conduct this type of activity.

**Chairman Atkinson:**

If they did not have the monies in the past, how do they intend to fund this effort if we agree to pass this bill? I do understand that they have been conducting these enforcement activities through grants, but some of the other municipalities may not be able to obtain the same type of funding or have the manpower required to handle this additional effort. So why are we not hearing about their support of this proposal if it is such a good idea?

**Michael Lawson:**

I cannot speak for those other entities, but I have had some conversations with both Washoe County and one other agency and they are in agreement. I have also had conversations with Bill Bensmiller of the Federal Motor Carrier Safety Association, and there is additional grant money available from the federal government to purchase these scales.

**Chairman Atkinson:**

If there is money for the purchase of scales, is that the same area of funding for the proposed training?

**Michael Lawson:**

Yes, that is my understanding.

**Assemblyman Hogan:**

We are faced with a choice of not passing the bill and continuing to experience the high levels of damage to our roads, or passing the bill and risking the possibility of having a construction driver stopped more than once. From what I have heard thus far, it is better for the State of Nevada to approve this initiative and arrange for the generation of appropriate documentation that would provide verification of the initial weighing results. That should provide the truck driver with proof to avoid subsequent stops in other jurisdictions along his route.

**Assemblyman Manendo:**

Only one jurisdiction came to me regarding this issue. However, if it is a matter of preserving our existing infrastructure, then this program should be mandated. Secondly, the fines collected need to go directly into the Highway Fund to offset the expense of repair and maintenance caused by heavy trucks.

**Assemblywoman Spiegel:**

I have a question for Mr. Enos. One of the issues that keeps returning over and over again is the hardship that is placed on the truck driver when he is stopped in multiple jurisdictions. However, your earlier testimony indicated that it is time consuming for the driver because they have to travel to the permanent scale sites in order to receive an accurate weight. Could you speak to that concern?

**Paul Enos:**

That is correct. There is nothing today that precludes a local law enforcement officer from pulling a truck over. In fact, that is currently happening. The time issue comes into play when local jurisdictions pull a truck over and they have to call the NHP. The NHP has to respond from a distance and weigh the vehicle and then issue the citation, all of which averages an hour.

This summer I received numerous calls from my members saying they had been pulled over in North Las Vegas by one particular individual, and it was a problem. I called Mr. Bensmiller with the Federal Motor Carrier Safety Administration and he told me there was an edict to enforce overweight vehicles at the local jurisdictional level.

**Chairman Atkinson:**

How much money are we talking about putting in the Highway Fund from these citations?

**Michael Lawson:**

The amount of revenue generated from overweight fines is approximately \$600,000 per year. That money currently goes back to the State General Fund and then to the county where the citations were given. I do not disagree with the recommendation to put these monies into the Highway Fund, but I believe it would take legislative action outside the scope of this particular bill.

**Darcy Johnson, Committee Counsel:**

I am not certain. It is not currently a misdemeanor. If it was, I believe it would automatically go to the Highway Fund.

**Assemblyman Christensen:**

If the City of Henderson cites a driver for being overweight, those funds do not automatically go to the municipality? Would we be able to direct that to the Highway Fund?

**Chairman Atkinson:**

We could do it, but I would assume the municipalities are using their resources to handle this enforcement effort, and they would probably want the funds to go into their coffers.

**Assemblyman Hogan:**

The number we heard as an estimate of the damage done was an extremely high number that would eclipse the possible revenue derived from the citation of overweight trucks. The benefit is in preventing thousands of overweight trips over roads that would be damaged.

**Chairman Atkinson:**

We will hold this measure back for the Committee to decide later. We will now return to Senate Bill 247 from our earlier schedule.

[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 5-727)

**Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau:**  
Senate Bill 247 was sponsored by Senators Horsford and Townsend. It was originally heard on May 7 ([Exhibit L](#)).

**Chairman Atkinson:**

Are there any questions or discussion from the Committee? I will entertain a motion.

ASSEMBLYMAN CHRISTENSEN MOVED TO DO PASS  
SENATE BILL 247.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER, CLABORN,  
AND WOODBURY WERE ABSENT FOR THE VOTE.)

**Chairman Atkinson:**

We will recess until tomorrow in order to finish some unresolved matters.  
[Meeting recessed at 3:08 p.m.].

**Chairman Atkinson:**

[The meeting was called back to order at 1:49 p.m. on May 15, 2009 during the Assembly floor session.] All actions and discussions held behind the bar are contained in separate minutes for that day. There is no further business and the meeting is officially adjourned [at 1:53 p.m.].

RESPECTFULLY SUBMITTED:

---

Marlen Schultz  
Committee Secretary

APPROVED BY:

---

Assemblyman Kelvin Atkinson, Chairman

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

**EXHIBITS**

**Committee Name:** Committee on Transportation

**Date:** May 14, 2009

**Time of Meeting:** 1:44 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 206 (R1)	C	Senator John Jay Lee, Clark County Senatorial District No. 1	Mock-up of Proposed Amendment.
S.B. 206 (R1)	D	Assemblyman Joseph (Joe) P. Hardy, Clark County Assembly District No. 20	Mock-up of Proposed Amendment.
S.B. 9	E	Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau	Work Session Summary.
S.B. 27	F	Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau	Work Session Summary.
S.B. 218 (R1)	G	Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau	Work Session Summary.
S.B. 245 (R1)	H	Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau	Work Session Summary.
S.B. 246 (R2)	I	Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau	Work Session Summary, Floor Statement, and Copy of <u>A.B. 290 (R1)</u> .
S.B. 251 (R2)	J	Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau	Work Session Summary, Letter from Michael Geeser with two Amendments.



S.B. 332 (R1)	K	Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau	Work Session Summary and two Amendments submitted by Leo Drozdoff.
S.B. 247	L	Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau	Work Session Summary of Senate Bill 247.