

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

**Seventy-Fifth Session  
March 12, 2009**

The Committee on Transportation was called to order by Chairman Kelvin Atkinson at 1:36 p.m. on Thursday, March 12, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, 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 John C. Carpenter  
Assemblyman Jerry D. Claborn  
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 Chad Christensen (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman David Bobzien, Washoe County Assembly District No. 24  
Assemblywoman Heidi Gansert, Washoe County Assembly District  
No. 25  
Assemblyman Richard McArthur, Clark County Assembly District No. 4

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Tim Tetz, Executive Director, Office of Veterans' Services, Reno, Nevada  
Erin Breen, Director, Safe Community Partnership, Transportation  
Research Center, University of Nevada, Las Vegas, Nevada  
Bill Bainter, Lieutenant, Nevada Highway Patrol, Department of Public  
Safety  
Tony Almaraz, Deputy Chief, Nevada Highway Patrol, Department of  
Public Safety  
John R. Johansen, Highway Safety Representative, Office of Traffic  
Safety, Department of Public Safety  
Michael Geeser, Media/Government Relations, California State Automobile  
Association, Las Vegas, Nevada  
William Birkmann, Vice President, Nevada Alliance for Retired Americans,  
Carson City, Nevada  
Donna Kollman, All Media Investigative Assignments, Reno, Nevada  
Terry McAfee, Financial Professional, Bicycling Activist, Nevada Bicycle  
Coalition, Reno, Nevada  
Anne Macquarie, representing Muscle Powered: Citizens for a Bikeable  
and Walkable Carson City, Carson City, Nevada  
Tim Rowe, representing the Alta Alpina Cycling Club, Minden, Nevada  
Roger L. Jacobson, Research Professor, Division of Hydrologic Sciences,  
Desert Research Institute, representing the Sparks Kiwanis Bike  
Program, Reno, Nevada  
Tracy Bower, Director of Government Affairs, Regional Transportation  
Commission, of Southern Nevada, Las Vegas, Nevada  
Joshua Martinez, Detective, Office of Intergovernmental Services, Las  
Vegas Metropolitan Police Department, Las Vegas, Nevada  
Laurie Anne Grimes, Manager, Bicycle and Pedestrian Safety Program,  
Office of Traffic Safety, Department of Public Safety  
Tim Healion, Founder and Promoter of Nevada's Tour de Nez, Reno,  
Nevada  
Dan Allison, representing Safe Routes to School, Carson City, Nevada

**Chairman Atkinson:**

[Roll called.] Please mark Mr. Christensen excused and Mr. Kihuen present when he arrives. Welcome to our new Committee Assistant, Steven Sisneros.

We will hear Assembly Bill 127, Assembly Bill 217, and Assembly Bill 247 today. We will open the hearing with Assembly Bill 127.

**Assembly Bill 127:** Requires certain pro rata refunds for the cancellation of the registration of vehicles owned by Armed Forces personnel assigned to serve abroad on active duty. (BDR 43-538)

**Assemblyman Richard McArthur, Clark County Assembly District No. 4:**

This bill gives a break to our military personnel, as it requires the Department of Motor Vehicles (DMV) to issue a prorated refund when they cancel their vehicle registrations and turn in their license plates. As the law now stands, the owner of the vehicle can get a refund, but it is only under certain conditions when they turn in their license plates. The amount of the refund has to be more than \$100, otherwise DMV will not issue the refund. Basically, what this bill does is lower the threshold to \$20 for military personnel who have been assigned to duty in another country. That is the basis of this whole bill.

On the bottom of page 3, there are four lines, and I will read them:

- (a) The request for a refund is made at the time the registration is cancelled and the license plates are surrendered;
- (b) The person requesting the refund is a resident of Nevada;
- (c) The amount eligible for refund is \$20 or more; and
- (d) Evidence satisfactory to the Department is submitted that reasonably proves the owner of the vehicle is a member of the armed forces of the United States who has been assigned to serve on active duty in another country.

This bill may not be worth a lot of money to our men and women in the military, but we should get them some help and assistance whenever we can, and let them know of our support for their service to our country.

**Assemblyman Goicoechea:**

I realize the bottom line says they surrender their license plates if they are assigned to serve in another country, but if they are assigned to a base in another state, would they still have the ability to capture that refund?

**Assemblyman McArthur:**

Not unless this bill is amended.

**Assemblyman Claborn:**

Is this only for active armed forces but not for retirees?

**Assemblyman McArthur:**

It is only for those on active duty. At this time, with our current economy, you would run into a fiscal impact if you included everyone.

**Chairman Atkinson:**

I notice the fiscal note on the bill that states it may have a fiscal impact on local government and will have a fiscal impact on the state. Do you know what the fiscal impact is?

**Assemblyman McArthur:**

That was basically put on the bill before they did a fiscal analysis, and after the analysis was completed, there is no impact on the state and none on any of the counties except for Clark County.

**Chairman Atkinson:**

What is it for Clark County?

**Assemblyman McArthur:**

They are using unrealistic assumptions, and what they came up with was a little over \$146,000. They assumed that the average car in Clark County was only two years old, and they took the 2009 manufacturer's suggested retail price (MSRP) of \$30,000. If you cut that in half, you could cut the amount in half to \$73,000.

The other assumption that they did not use was that most of our military personnel are married with families, and most of them will not turn their car license plates in because they are family cars. Probably only 20 percent of those will turn their car in, and now you looking at 20 percent of the \$73,000, which is \$14,600. That is less than \$15,000 and is probably a more realistic approach.

**Chairman Atkinson:**

You do recognize that there is some type of fiscal impact?

**Assemblyman McArthur:**

A small fiscal impact, but that is why I kept it to active duty. It will be very small, and I still think that is the least we can do for our military personnel.

**Chairman Atkinson:**

Clark County would have had to do the fiscal note in this instance? There was no fiscal impact in Henderson, North Las Vegas, Las Vegas, Reno, Douglas, or Carson City. Churchill County has a small one of about \$500 every year. Clark County has the largest.

We will go to any individuals in Carson City who would like to speak in favor of A.B. 127.

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

Although we are not dealing specifically with veterans, we also have to look to the well being and care of our active duty service members and their families. I am in support of Assembly Bill 127.

As of August of this past year, we had 2,300 Nevadans serving abroad in the active military service. A very small minority of these people will never actually look to receive this refund. They have family cars or it is just not worth going in to turn in your license plates. It is easier to leave the car in the garage. A great majority of the active duty members that I talked to regarding this bill said, "well, that is a nice thing, especially for the low income enlisted people who need every single penny as they deploy, but they would never use it." They are all about taking care of each other and we are all about taking care of the military, and anything we can do, even a small gesture as this bill is, offers a great symbol to those serving to protect our country. I urge you to pass Assembly Bill 127.

**Chairman Atkinson:**

Are there any questions from the Committee members? I will say that this is a good piece of legislation. My only concern is the fiscal note. We are going to close the bill on A.B. 127 and will bring it back after I have had the opportunity to check with our own fiscal staff. Do understand that if it makes it out of this Committee, it will probably have to go to the Assembly Committee on Ways and Means.

We will now open the hearing on Assembly Bill 217.

**Assembly Bill 217:** Prohibits minors from using cellular telephones and similar devices while operating motor vehicles. (BDR 43-32)

**Assemblyman Mark A. Manendo, Clark County Assembly District No. 18:**

I am bringing forth Assembly Bill 217 as a slightly different version than we had last session, as it is a little cleaner.

Common sense tells us that handling and dialing, texting, or accessing the Internet while driving compromises safety. Evidence is accumulating that cell phone conversations increase crash risks. In 2005, the Insurance Institute for Highway Safety Research released information that quantifies the added risk. Drivers using cell phones are four times more likely to get into crashes serious enough to injure themselves.

Canadian research showed cell phone use is associated with a four-fold increase in the risk of property damage crashes. The Institute and Canadian studies confirm distractions associated with cell phone use, including the cognitive distractions from cell conversations, contributed significantly to crashes.

University of Utah psychologists have published a study showing those motorists who talk on hand-held or hands-free cell phones are as impaired as drunk drivers. Maybe that is why Utah's law defines careless driving as committing a moving violation, other than speeding, while being distracted by use of a hand-held cell phone.

A study in the *British Medical Journal* in 2005 concluded drivers who use mobile phones are four times more likely to be involved in crashes serious enough to require hospitalization.

Virginia Tech researchers collected data from approximately 2 million driven miles and 42,000 hours of drive time. The study found nearly 80 percent of all crashes and 65 percent of all near crashes involved driver inattention just prior to the onset of that event.

A California Highway Patrol report in 2002 showed cell phone use was a major factor in inattention-related crashes, more so than any other single distraction factor. Maybe that is why California has a hand-held ban, a cell phone ban for school and transit bus drivers, for drivers younger than 18 years of age, and a text messaging ban because it is also a primary factor in distraction crashes.

The National Transportation Safety Board (NTSB) says cell phones distract young people and increase risks of accidents. Car crashes remain the leading cause of death among young people between the ages of 15 and 20 years of age. The federal agency investigates catastrophic crashes, finds probable cause, and then makes recommendations to the government. More than 120 young people die every week in car crashes in the United States. Teens are overly represented in car crashes, especially the fatal ones, which means more of them are dying than should be, given the number of young drivers out

there. The federal cell phone ban is included in the NTSB's recommendations on its most needed list of transportation safety improvements.

When you are in the business of learning how to drive, it is serious. When you are in that phase, you will never be able to focus your full attention if you are being distracted by other things, and cell phones are clearly a big distraction for young people today.

Think back to when you were learning how to drive and getting your "feet wet behind the wheel." There were no cell phones, and I will bet every member of this Committee is a better driver because of that. You learned without the distractions.

I have information I would like to share with the Committee. In 2005, when young people took the knowledge written test and the skills driving test in Clark County, the pass rate was about 59 percent for the knowledge test and 65 percent for the skills test. Washoe County's knowledge test had a pass rate of 61 percent and the skills test was 73 percent. Statewide in 2005, the knowledge test was under 60 percent and the skills test was under 70 percent. For comparison I will give you test results for 2008 for the state's six largest Department of Motor Vehicle (DMV) offices. The Sahara DMV pass rate on the written test was only 31 percent, Flamingo DMV was 37 percent, Henderson DMV was 44 percent, Decatur DMV was 40 percent, Reno DMV was 44 percent, and Carson City DMV had a 50 percent pass rate. The pass rate for the driving test for commercial and noncommercial combined was 45 percent.

We have been going in the wrong direction from 2005 to 2008. We have to wonder why these new drivers are not passing either the written or the driving portion of the test. Is it possible that they are learning to drive while being distracted, and then when driving with someone from the DMV, they do not have the proper experience?

Teenagers comprise the vast majority of new drivers. Automobile crashes are the leading cause of death for them. They account for 14.3 percent of accidents, but only 6.4 percent of the driving population, according to the NTSB. Teen drivers are three times more likely to have a fatal crash as any other driver.

Texting by teens, a driving distraction related to cell phone use, was the subject of an August 2006 Teens Today survey conducted by the Liberty Mutual Research Institute for Safety, for Students Against Destructive Decisions (SADD), and it showed teens considered sending text messages by cell phones

to be their biggest distraction. Of the teens surveyed, 37 percent said text messaging was extremely or very distracting.

A 2007 survey by Nationwide found 19 percent of motorists said they text message while driving. That is everybody. The National Highway Safety Administration reports say more drivers age 16 to 24 hold a cell phone to their ears than any other age group. That is why I am targeting that age group as the lowest possible denominator in this bill.

New drivers have enough things to worry about without adding cell phones and other wireless devices to the mix. Learning how to drive while distracted is definitely a recipe for disaster. Driving is a privilege, not a right. There is absolute peer pressure for kids to have cell phones today. When the phone rings, there is pressure to answer it. When a text message comes in, there is pressure to respond as quickly as possible.

When you are driving 45 miles per hour, you can go the length of a football field in about 3.5 to 4 seconds. Think about how long it takes to respond to a text message. If it takes you 4 seconds to respond and not pay attention to the road, it is 100 yards; if it takes you 10 to 12 seconds to complete a text message, you could go 500 yards. What is the possibility someone could be in a crosswalk within those 500 yards?

A constituent told me a story of her daughter's addiction to her cell phone. She carries it everywhere she goes, even to the dinner table and the shower. The young population cannot put their cell phones down. Without absolutely banning the use of cell phones, I do not see any way to stop this.

There are a number of state legislatures debating measures addressing the problem of cell phone use while driving and other distractions that continue to rise in our United States. As of October 2008, six states have laws on the books banning the use of hand-held cell phones while driving: California, Connecticut, New Jersey, Utah, Washington, and New York, as well as the District of Columbia and the Virgin Islands. Except for Utah and Washington, the laws are a primary enforcement, meaning a motorist cannot be ticketed for using a hand-held cell phone while driving without any other offense first. Seventeen states have passed laws actually banning or restricting young drivers from using cell phones, so we are not paving the way here.

The most recent state to enact such legislation is California; however, the California law goes further than any other state. It bans the use of any mobile device by drivers under the age of 18; this includes cell phones, broadband



personal communication devices, specialized mobile radio devices, hand-held devices, and even laptop computers.

In May 2007, Washington became the first state to ban the practice of texting with a cell phone while driving. As of October 2008, driving while texting (DWT) was banned in seven states: Alaska, California, Connecticut, Louisiana, Minnesota, New Jersey, Washington, and also the District of Columbia. All cell phone use by novice drivers has been banned in 17 states; nine states prohibit text messaging by novice drivers.

I believe that Assembly Bill 217 is going to save lives. As you can see from the bill, we are targeting those drivers under 18 years of age. We have tightened it up to address not only text messaging, and reading and writing electronic devices, but also the World Wide Web. Since this bill was drafted, we have talked about people addicted to playing games on their cell phones even while driving. Maybe we need to include language for game devices also.

These statistics are overwhelming. Forty countries ban the use of cell phones as well.

**Chairman Atkinson:**

We will follow the same protocol as usual and allow the Committee to ask questions.

**Assemblyman Carpenter:**

How long has it been since the first state banned cell phones for minors? Are there any statistics to show whether it cut down on teen accidents?

**Assemblyman Manendo:**

I do not have those statistics or if they have decreased crash rates or not. I have been searching, but finding data is very difficult in this area. We have data showing age groups, crashes, deadly crashes, driving under the influence (DUIs), but actually having data with crashes due to cell phones is difficult because it is not against the law.

**Chairman Atkinson:**

The fines are not addressed in this bill. Do you know what they would be?

**Assemblyman Manendo:**

They can be fined according to any other moving violation, but it is the court's discretion. In some cases it could be as low as \$25. Some states have set specific fines, and I have no problem with taking the discretion away from the courts and having a set fine.

**Chairman Atkinson:**

If this is such a problem and texting is an issue, why are we just targeting such a small population by talking about 18 and under? I understand the whole distraction issue and the reaction time, as well as the attention span of kids, but in discussions regarding this matter, the concern has been in not losing anyone by including everyone, not just the population of those being the most distracted. I remain concerned we are just targeting kids in this bill. A mistake can be made based on a person's youthful looks. He can be pulled over by the police and found to be 24 years old. It can be an issue for people burdened by this. It is not a profiling issue for me. It is just a case for the possibility of a mistake. Also, what about after he has been pulled over by an officer and it is verified that he is 22, but the officer thinks the driver looks a little nervous and decides to see what else is going on in this car?

**Assemblyman Manendo:**

Other states have done it, and it must be working or you would see an outpouring of folks saying we need to repeal this because it is not working. I trust our law enforcement. If a police officer pulled you over because he thought you looked like you were 12 years old, that is probable cause, just as if you had a tail light out, or were over the speed limit, or did not make a complete stop, and at the same time noticed another infraction. They are trained professionals and know what they are doing. That would be a policy question that this Committee will make whether we address A.B. 217 as is, or do a little bit more. I am open to that debate and what the Committee has to say.

**Assemblyman Claborn:**

I received a phone call about this issue and was told that California imposes a fine of only \$25 for texting while driving. The caller was very irate and said to tell Mr. Manendo that \$25 is not enough to even acknowledge the law. Put a hefty fine on this if you want to stop it.

**Assemblyman Manendo:**

The text messaging ban is across the board for everybody. We can certainly think about how much we want to fine if that is the way we want to go.

**Assemblywoman Spiegel:**

I see that there is a fiscal note here. Can you explain what it is?

**Assemblyman Manendo:**

I cannot. I have no idea why there would be a fiscal note as opposed to anything else we do with moving violations. It is bizarre to me how this would impact our state government because we are not creating a bureaucracy, and

we do not have to create a position to do this. There may be a few more people going to court on this, but very few. That could possibly be a local fiscal note, not state.

**Chairman Atkinson:**

We have the book in front of us, and there is no fiscal note. California is reporting that they are having problems because their cell phone ban went in over a year ago, and their texting ban went into effect in January of this year. They are seeing more problems now with cars pulling over on the freeways to call or text. You may want to do a little more research on that. Also, North Carolina is saying that cell phone use has increased since they passed their bill.

**Assemblyman Manendo:**

Are you saying that cell phone usage has increased? I have not read that.

**Chairman Atkinson:**

Yes.

**Assemblyman Manendo:**

I would certainly hope that if someone needed to place a long text message or a phone conversation that they could find an appropriate place to pull over. If they are just pulling over to the side of the road and do not have their hazard lights on, they could be ticketed. They can pull over to make a phone call only if it is an emergency. If it is an emergency, that is covered in this bill and they are allowed to do that.

**Assemblyman Kihuen:**

Would this include people using the Bluetooth?

**Assemblyman Manendo:**

You would not be allowed to use the Bluetooth if you are under 18 years of age.

**Erin Breen, Director, Safe Community Partnership, Transportation Research Center, University of Nevada, Las Vegas, Las Vegas, Nevada:**

Through our work, especially with teen drivers, we have done a lot of research on teens and driving, novice drivers, and the mistakes that they make, and found adding a cell phone, text message device, any hand-held device, or any device pulling their attention from the task of driving is extremely dangerous. That is why we support this bill wholeheartedly ([Exhibit C](#)).

We have done a good job in Nevada through the last few sessions of crafting what is considered almost a model graduated driver's licensing (GDL) law. This,

in fact, as Assemblyman Manendo stated, is the one aspect of GDL the State of Nevada does not have. If this bill passes, we would have a model law and would be one of the only states in the country that has a model GDL law.

The message I would most like to share with you today is that good legislation works. The year that we started putting the GDL measures into the law in the State of Nevada, we lost 21 drivers, age 15 to 17 years. In those days you could actually get your driver's license at 15.75 years old; that has changed. In 2008, we lost five 16 to 17-year-old drivers. In fact, that law has had a dramatic effect on the loss of life in our state. To be able to point to something and hold it up and say this law worked is extremely satisfying and gratifying to those people whose children are still here.

I asked my 19-year-old daughter, who has yet to get her driver's license, if she could text message without looking at the keys like you do when you type, and she told me, "Absolutely not. I have to look because the keys are too small."

Research has shown that taking your eyes off the road to dial the phone takes your eyes off the road 400 times longer than a simple task such as changing a radio station or turning your attention to talk to the person next to you. To a novice driver, taking your eyes off the road for that length of time can be deadly. They can get themselves into situations they do not have the skills to get out of. Very often, they may drift to the right or left, and if they hit something, they grab the wheel and jerk it because they panic. That overcorrection can cause them to flip the vehicle.

I am working with a couple of young drivers who had their passengers killed that very way. They were not talking or texting on a cell phone, but panicked, overcorrected, and rolled their vehicles.

To put something into effect that would say to teenagers, this is dangerous, it takes your full attention off the road, is a good idea. In the parental toolbox is where I see this law being extremely effective. I do not expect to see law enforcement out looking for teenagers on cell phones, but I do expect parents to have a restriction for their child's cell phone use in a vehicle. It is a parental issue.

It is a good thing to say to teenagers that this is dangerous. There is a part of their frontal brain where the decision-making skills live that is not fully developed until they are about 25 years old, so they need our help with decision-making. This bill will give us the opportunity to say to the teenagers this is against the law and you cannot do it.

I have had the pleasure of sitting in on the text messaging bill that is going through the Senate Transportation Committee, and the issue of pulling off the road has come up in that hearing. I was surprised to learn, by law, if you pull off to the side of the road, the police could, in fact, give you a citation it is not an emergency.

With regard to the Bluetooth issue, every bit of research that has come out on cell phones has proven over and over again it is not so much the act of having a cell phone to your ear as it is the divided attention. Even if you are talking on a Bluetooth with both hands on the wheel, your mind is still not completely on the road; it is on the conversation you are having. I applaud the total ban of all cell devices.

**Chairman Atkinson:**

Did you say you support a ban for everybody?

**Erin Breen:**

I would be remiss in my job if I did not support that ban. I do not foresee it happening, mainly because Nevada statutes say you cannot regulate cell phone use.

I have also been trying to get photo enforcement passed in the Legislature for the past few years, which has the same type of law on the books. I certainly do not see it happening in the short term. I would love to see the state entertain this measure further down the road when we have more research to prove how dangerous cell phone use is while driving.

**Bill Bainter, Lieutenant, Nevada Highway Patrol, Department of Public Safety:**

Nevada Highway Patrol supports Assembly Bill 217 and we agree with all of the issues, statistics, and concerns that have been brought forward by Assemblyman Manendo.

The use of cell phones and texting while driving is a known distraction and is of particular concern with young, inexperienced drivers. Young drivers need to focus on developing driving skills and improving their traffic awareness and surroundings to improve traffic safety.

**Tony Almaraz, Deputy Chief, Nevada Highway Patrol, Department of Public Safety:**

In dealing with the younger drivers, there are a couple of things we look at very harshly and with concern, recognizing the fact there is still a lot of learning that goes with these new drivers. There is a big learning curve when it comes to traffic management, and another thing is perception. That deals with

anything—braking, slowing, distance perceptions, and also divided attention. That alone is going to be the major cause of traffic accidents. Also, inside car distractions are a factor, such as radios and other kids talking to them and other things going on inside the car.

There was an earlier mention regarding drunk driving and the similarities with distracted drivers such as those using cell phones. The average person who has not been drinking takes three-quarters of a second to react and brake; when you have a person under the influence of alcohol, that increases to almost two seconds. If you are driving the freeway at 60 miles an hour, that is 88 feet per second. Multiply that by two seconds and that is 176 feet. One of the main causes of crashes on highways is rear-end collisions from driver inattention.

We support this bill because we know these young drivers need to have better education behind them.

**Assemblywoman Spiegel:**

If someone pulls over, has his car in park, but the engine is on and the driver is on his phone or texting, would that be an infraction? My related question is, would the answer be different if the engine is off, but he is still in the car on the side of the road?

**Bill Bainter:**

In both cases that would be a violation if he is parked in an emergency travel lane. The use of a pager or a cell phone would be a violation and would not constitute a justifiable reason to be in that lane.

**Assemblywoman Spiegel:**

What if it were on a neighborhood street where there is on-street parking and someone pulled over to a space where he could otherwise park?

**Bill Bainter:**

In that scenario, it would be lawful and not in violation.

**Assemblywoman Spiegel:**

Could you explain that?

**Bill Bainter:**

If I understand you correctly, what we are referring to is a surface street in which the vehicle is pulled over alongside of the road into a legal parking area. If it was in an area posted "no parking," of course that would be a violation.

**Assemblyman Carpenter:**

I need some clarification. If you pull clear off the road into the dirt, is that a violation?

**Bill Bainter:**

As the question was posed, it was referring to the actual paved emergency travel lane and that would be a violation. If, in fact, the vehicle pulled into the dirt area adjacent to the paved emergency travel lane, I do not believe that would be a violation.

**John R. Johansen, Highway Safety Representative, Office of Traffic Safety, Department of Public Safety:**

You have a handout that goes over some of the information already presented, but goes into a little more detail ([Exhibit D](#)), and there is a second handout of the University of Utah study on cell phone drivers and impaired drivers ([Exhibit E](#)). It is a summary of the full study for your convenience.

The studies I will be talking about are from the Applied Cognition Laboratory Department of Psychology of the University of Utah, published in 2006 and a second study published in 2008. This is representative of the most recent information we have on the cell phone issue.

The 2008 study looked at whether or not you could improve your driving skills while using a cell phone, by practicing. The study had two driving scenarios, both with cell phone usage: a highway section and a city section. The cell usage in this study was always a hands-free cell phone. There were 60 participants selected from a large group of people who self reported their cell phone use. One half, or 30, used their cell phones less than 5 percent of the time while driving. One half used the cell phone more than 41 percent of the time while driving. The mean ages were 24 and 21 respectively for those two groups. The objective was to determine if, after 198 minutes of driving over a four-day period, there was an improvement in their ability to pass that scenario. The second handout shows a picture of the high-technology simulator they used. It has five cameras and a 180-degree view around the driver. The participants actually sit at the dashboard with wheels, pedals, and everything on a Crown Victoria, reacting to the very high-tech simulator.

The conclusion was the possibility of practicing away these dual-task costs was precluded. There was no significant improvement among either group in any of the scenarios from day one to day four.

The 2006 study compared cell phone drivers to impaired drivers. The study used 40 participants, 25 men and 15 women. They were selected because

they had an average of at least eight years of driving experience and, in fact, were social drinkers. Using the same type of simulator, they drove four different times—once undistracted for a baseline, once with a hand-held phone, once with a hands-free phone, and once intoxicated at .08, the legal limit.

The results confirmed many past studies. Again, it is the conversation that is the distraction. It is not whether or not someone is hanging onto a phone. In both of these studies, the act of dialing or answering was eliminated. They started the conversation prior to starting the driving and maintained the conversation throughout the driving exercise of 10 to 15 minutes. Hands-free is just as impairing as a hand-held.

While the type of errors differ between a cell phone driver and an impaired driver, an impaired driver tends to be a little more aggressive, follows a little closer, and hits the brakes a little harder; the cell phone driver has a tendency to follow a little farther away, but the reaction time is greatly slowed down because he is really not seeing the roadway. The net result is the impairment of using a cell phone and the impairment of .08 are essentially the same for crash risk.

Over the last year, I have learned when I am driving and come up to a stop sign or stop light and it turns red, I find myself looking in my rear view mirror to see if the person behind me is coming a little quick and on a cell phone. I cringe a little whenever I see that cell phone driver behind me.

The latest estimate we have is, at any given time, approximately 8 percent of motorists are on cell phones while driving. Nevada has 1.7 million licensed drivers, according to the 2007 Department of Motor Vehicles record, and a bit more than 125,000 are using cell phones right now while they are driving, and we are, in fact, sharing the road with them.

**Chairman Atkinson:**

For the officers at the table, if someone is pulled over to the side of the road and he is on his cell phone, how do you determine if it is an emergency?

**Tony Almaraz:**

That actually happens quite frequently. Many times our troopers come up behind a vehicle parked on the side of the highway and the first assumption is, that person is disabled and you are going to make contact. The first thing you ask is, are you okay, are you calling for help, what is the situation? Are you making a personal phone call? Obviously officers are trained to assess a roadside emergency or an assistance issue.



**Chairman Atkinson:**

The emergency is going to have to be pretty much automobile related? Where I am going is, we talk to people who say it could be a family emergency, so in that case it has to be automobile related for someone to be pulled over or he can be ticketed. I am sure the officer would show discretion and would probably not ticket them in the instance someone was visibly upset.

**Tony Almaraz:**

It does come down to officer discretion in those situations. First of all, parking on the side of the highway is dangerous. Many of our cars are hit every year even with lights flashing. Our officers, in those types of situations, are going to tell them to pull off the freeway to a legal parking area and make that cell phone call.

**Chairman Atkinson:**

Have you heard that California, since enacting the cell phone law, is having a problem with cars pulling off the freeway, then trying to pull back into traffic?

**Bill Bainter:**

We have not heard of anything directly regarding problems in California. If in fact they are occurring and if they were occurring in Nevada, it would be a violation and potentially an enforcement stop on our part.

**Michael Geeser, Media/Government Relations, California State Automobile Association, Las Vegas, Nevada:**

The Automobile Association of America (AAA) supports this bill. It is a good idea and the right way to address some of the distractions in the car for teens. I have submitted a letter of our support ([Exhibit F](#)) containing statistics from our AAA Foundation for Traffic Safety which underscores the over-representation of teens in traffic accidents and why we think this bill is a good idea. We urge your support.

**Assemblyman Carpenter:**

We heard from one witness that we had 20 traffic deaths and we are down to 5, so it seems that the teens are driving safer. Have you reduced the premium on the teenage drivers?

**Michael Geeser:**

We absolutely have. Our price breaks at AAA begin at age 16, dependent on several things such as education, grades, and parent-student agreements made between the family member and the driver themselves. The price breaks are from 16 to 18 years of age, from 18 to 21 years of age, and again at 25 years

old, depending on how well the drivers are doing. Price breaks can be earned all the way through their teen years.

**Assemblyman Carpenter:**

I did not understand what you were saying about the drivers and their parents. What was that?

**Michael Geeser:**

The AAA has come up with a parent-student agreement, which is a signed agreement only between the child and the parent. Law enforcement and the insurance company do not see it. It is a one-page agreement allowing the parent and the child to sit down and go over their own rules of the road. The document we have created at AAA simply helps them accomplish that conversation.

**Assemblyman Carpenter:**

If no one ever sees it, how do you give the breaks on the premiums?

**Michael Geeser:**

The price breaks come for the things we do see such as grades and education courses the teen can take through AAA. The document I am referring to is really a conversation starter that has no effect on their premium at all.

**Chairman Atkinson:**

You have certain criteria, so how does a parent know what they should be disclosing to you to enable them to take advantage of these breaks?

**Michael Geeser:**

We have a program at AAA called driver-ZED for "zero errors driving." It is a notebook and digital video disc (DVD) series the parent and the student have to go through, then they have to go through a checklist we have created for them in the handbook, which gets turned in to AAA at the end of the training. The GDL laws in Nevada state you cannot get a license until age 16. By the student going through that process, the handbook and the DVDs, we are now aware of what he has accomplished.

In addition to that, under Nevada state law, they also have to go through a certain number of hours of driving behind the wheel. It is 50 hours, 10 of which have to be at night. By going down this checklist and making sure that the student has accomplished all of the criteria, then AAA becomes aware of what he has done and how he has become educated.

**Chairman Atkinson:**

So the checklist is given to the parents so they are aware? Is the checklist given to the parents at the time they call to add the student to their insurance?

**Michael Geeser:**

Yes, and quite often it is the parent who starts the process of driver's education before the child gets licensed, so when he comes of age to get his license, and the parent wants to add him to the policy, he is ready to go.

**Chairman Atkinson:**

In your letter to the Committee members, we are trying to figure out what the numbers might indicate. Paragraph 3 notes that between 1998 and 2008, AAA found nearly two-thirds of people killed in car crashes involving drivers ages 15 to 17 were passengers, pedestrians, cyclists, and those in other vehicles. Since we are talking about cell phones in this Committee, does this number include cell phones or is it all 15- to 17-year-olds involved in accidents?

**Michael Geeser:**

I believe that figure includes all accidents. It does not focus on only one distraction.

**Chairman Atkinson:**

Do you have anything broken down with relationship to Mr. Carpenter's question, trying to find that number? Mr. Manendo said he had been searching as well. We can talk all day long about laws and rules, but if we do not have anything substantive to be able to make an assessment whether these laws are working, or if we change them whether they will be working in the future. What are we getting at? Do you have any numbers like that?

**Michael Geeser:**

I apologize. We do not. I have asked our foundation based in Washington, D.C., if they could help us with that, but since I have not received any numbers back, I am assuming they do not have those numbers either.

**Chairman Atkinson:**

So the sentence right after paragraph 3, saying this statistic truly underscores the link between teen driver safety and the safety of everyone on the road, again, we are talking about everyone on the road and not just cell phones and devices that teens and everyone are using in their cars?

**Michael Geeser:**

The paragraph in the letter is focusing on the correlation between the number of teens in accidents and how it affects other drivers on the road. I do not want

that to overshadow the rest of the letter I do want to focus on; teen drivers and teen driver safety. That statistic comes from a traffic safety study that we recently uncovered and released to the public showing how dangerous it is on the road when teen drivers are not educated and are not paying attention, and the hazards they create.

**Chairman Atkinson:**

I understand what you are attempting to do, but I do not think your focus is what our focus is right now. Everyone on this Committee realizes every state has an issue with respect to teen driving and the correlation between increased premiums for teens and why premiums go down as you get older. We are aware of that, but this Committee is trying to find the statistics that will correlate to what happens when a bill like this passes and what the statistics will then be. I am one who prefers to drive public policy based on numbers. Maybe you, as well as Ms. Paslov Thomas, can help us with some research from other states regarding what those numbers are and give us some insight into whether this is really just a teen problem or a state problem.

**Michael Geeser:**

I am happy to offer to help in any way I can.

**William Birkmann, Vice President, Nevada Alliance for Retired Americans,  
Carson City, Nevada:**

We have approximately 15,000 members here in the State of Nevada and would like to ask your support for Assembly Bill 217.

To make a point regarding fines in New York, it is progressive. Your first fine is \$50, your second \$100. I know this because my niece called from New York and told me she was fined for the third time and it was costing her \$300. It definitely got her attention. She now turns her phone off when she gets in her car.

**Donna Kollman, All Media Investigative Assignments, Reno, Nevada:**

I am here as a victim of a teenager. On July 31, 2006, at 7:55 p.m. my life dramatically changed. I was stopped at an intersection waiting to make a left-hand turn. There was a lot of traffic and two lanes for turning left which were backed up about 15 deep. I was the third vehicle in the second lane. At that instant there was a terrible crash and I was slammed back very hard. I was in pain and did not know why. I looked in my rear-view mirror and saw a sport utility vehicle (SUV) in my trunk. I managed to get out of the car with great difficulty and more pain. A teenager came toward me and asked if there was anything he could do. I asked him what had happened and what was he doing? I was thinking it was a good thing the car had stayed on a straight course

because if he had veered off, more people would have been hurt and more vehicles would have been damaged.

The young man followed me to the side of the road out of traffic, and again I asked him what happened. The teenage driver said he had tried to make a cell phone call. If he had waited 45 to 50 seconds, he could have been out of traffic and parked in a safe area and made his call.

To date, I have been to the emergency room, hospitalized three times, have been asked twice if I had a "do not resuscitate" order in the hospital files, which meant to me, the patient, that I was in serious condition. I have been to my personal physician, who gave me three options: physical therapy, pain management, and if those did not work, neurosurgery. I have had to do all three. It is almost three years later and I was not the only victim; my family is a victim and the teenager himself is also a victim. It has hurt his family as well. Ironically, his mother had an auto insurance agency, and she should have instructed her son better with regard to using a cell phone while driving.

Unfortunately, teenagers react to the cell phone as a "now" situation. It is not "now." I have lost income, and other people have had to take over my positions on various boards. As President of City Care I manage to get funds for seniors and transportation for disabled people, but other people have had to do my duties. It is never just one person involved, it is a lot of people.

This should be taught when the person is in driver's education in high school: do not use a hand-held cell phone. In fact, do not use a cell phone at all and do not text message. It should be in our Nevada Department of Motor Vehicles book that this is against the law. We have asked many times to please do not use your cell phone while driving; now we have to make it a law.

Teenagers are not being discriminated against when these laws are made. When you decide to drive your automobile as a teenager, you take the stance that you are adult. That is one of the passages we all take. When we get to drive, we are now in the adult ranks.

I am in favor of doing something with regard to law. I am in favor of having everyone treated as a teenager with cell phone use while driving.

I am wearing a \$5,000 "companion" that acts as a bone stimulator to make my bones grow faster because of my surgeries and a back fusion. My "companion" is the equivalent of 250 \$25 fines. I can no longer bend over to pick anything up; my husband has had to become my caregiver. My family had to come back to the area to help my husband take care of me so he would not get sick; all of

this because of a hand-held cell phone. We are all potential victims and we need to stop this as soon as possible to make the fines large enough so people think twice about violating the law.

We do not want drunk drivers out there; we should also not have people's minds in two different places while they are driving.

**Chairman Atkinson:**

You do recognize that it could have been anyone, not just a teenager that was driving?

**Donna Kollman:**

Absolutely, it could have been anyone.

**Chairman Atkinson:**

Is it your opinion that this is more than a teen problem; it is a driving problem?

**Donna Kollman:**

It is a teen problem and a driving problem. If you get your driver's license, and take the wheel, you are declaring you have crossed from being a child into adulthood.

**Chairman Atkinson:**

We will close the hearing on Assembly Bill 217. We will bring it back to one of our work sessions.

We will now open the hearing on Assembly Bill 247.

[Assembly Bill 247](#): Revises provisions governing the operation of bicycles.  
(BDR 43-1046)

**Assemblyman David Bobzien, Washoe County Assembly District No. 24:**

I am pleased to present Assembly Bill 247 that we are labeling the bicycle bill. I have a proposed amendment with me today and would like to ask your preference for proceeding, and if we should present the two together ([Exhibit G](#)).

**Chairman Atkinson:**

It is your bill; you can decide.

**Assemblyman Bobzien:**

I will present the two together. Last summer, like many others feeling the pinch of high gasoline prices, I committed to riding my bicycle more to work,

meetings, and around town. As a long-time recreational rider, I had already been sold on the benefits of cycling to shrink one's footprint on the planet, but in the end conserving gas and shedding a few pounds was my motivator.

As a State Legislator, I am always concerned with abiding by the laws that govern our society, and traffic laws are no exception, of course. However, in this situation, riding safely while abiding by the letter of the law is a conundrum that faces any conscientious cyclist. For example, most self-respecting cyclists do not usually signal a right turn the proper way if you think back to your drivers' education manual describing sticking your left arm out the window and extending it skyward to indicate you are making a right-hand turn. Most people on bicycles feel the need to point to the right with their right arms to make it perfectly clear to the drivers behind them what their intent is.

Assembly Bill 247 does a number of things to bring traffic laws in Nevada more in line with what is the actual safety practice that most cyclists use to protect themselves. Clearly conveying your intentions to automobile drivers around you certainly means the difference between life and death for cyclists.

Assembly Bill 247 takes these issues head on. The first thing it does is allows the cyclist to indicate a turn with a single hand signal or with his position in the turn lane instead of continuously signaling for 100 feet or 300 feet as is now required. The problem here being that cars are certainly required to signal for this duration, but try riding one-handed on a bumpy road on a bicycle while trying to signal a turn. It is not very practical and not very safe.

The second thing the bill does is add the option of a bicyclist signaling a right turn by extending the right arm. Currently only a left-handed, right-turn signal is legal in Nevada.

The final piece, where the amendment comes in, voids dangerous laws that allow the use of side paths instead of nearby roads. Such laws unnecessarily force cyclists onto poorly maintained sections of pavement with poor visibility and other hazards. We are proposing removing two pieces of section 4 of the bill and just leaving in subsection 3. The reason for this is the original language contemplates the idea of not allowing the local governments to restrict cyclists' access to sidewalks. There are areas in the state where that is not practical. We have decided not to get into that area. We do want to take issue with the codes that exist in Las Vegas, Reno, and Carson City. I have spoken with representatives in Reno and Las Vegas, regarding restricting cyclists onto sidewalks. The idea being if there is any stretch or ribbon of gravel or pavement alongside the roadway, regardless whether it is with or against

traffic, those codes stipulate that cyclists must ride on that patch of sidewalk. There are a number of reasons that is not safe.

In conclusion, I would like to say that cycling is something that is alive and well and a viable mode of transportation in this state as we are becoming more conscientious of fossil fuels and the desire to find alternative modes of transportation. I think it is important to bring the law into alignment with what cyclists do. Conscientious cyclists will support the concept of having traffic laws that they can abide by so bicycle riders and motorists alike are safer.

**Terry McAfee, Financial Professional, Bicycling Activist, Nevada Bicycle Coalition, Reno, Nevada:**

I requested Assembly Bill 247, with the proposed amendment to eliminate some of the disparity between what is legal for bicyclists and what is safest. You have my handout that addresses each section of the bill ([Exhibit H](#)). Each of these proposed law changes allows a bicyclist to drive legally and more safely without making the current legal practices illegal.

I would like to speak to sections 2 and 3. This amends the law with regard to the method of signaling, a change to allow safer but now illegal methods. The current methods as described in the law would remain legal. Essentially, to a safe bicyclist, many uses and regular practices make sense to them, and are also regarded by the League of American Bicyclists and a number of other safety oriented organizations as making sense, but at present are not legal in the State of Nevada. I want to change that.

Section 4 needs more explanation. It is about sidewalk and side path bicycling. The proposed amendment to A.B. 247 removes subsections 1 and 2 of section 4, and the amendment to subsection 3 clarifies the original bill draft request (BDR) language to more specifically identify the local laws that we seek to have voided. A side path is defined as a useable path for bicyclists, provided it is adjacent to a highway. That definition is important.

Subsection 3 makes what are called mandatory side path laws void in Nevada. These laws read "whenever a useable path for bicycles has been provided adjacent to a highway, bicycle riders shall use such path and shall not use the highway." Las Vegas, Reno, Sparks, and Carson City have these laws. These cities have a liability exposure which results from requiring mandatory use of facilities known to be hazardous. They are known to be hazardous because the American Association of State Highway and Transportation Officials (AASHTO) *Guide for the Development of Bicycle Facilities*, published in 1999, listed nine problems with these side paths, all related to their safety.



Two of the more serious problems with side paths are (1) traveling on the side path against the flow of traffic, as most side paths are two-way. There is the possibility that a motorist would not see the cyclist because the motorist looks to where he expects the biggest danger to come from; his left. An additional issue compounding the problem is that (2) a motorist frequently thinks that the side path is a sidewalk and expects to see only a pedestrian. This dangerous situation is most likely to occur whenever a side path crosses a street or a driveway. Also, most side paths are poorly maintained. Until recently, the Reno paths and trails maintenance budget was zero for 50 miles of trails and paths. In the last budget, City of Reno Councilman Aiazzi put \$25,000 in for maintenance on the Truckee River bike path, which is not a side path.

Mandatory side path laws require that a bicyclist leave the highway and ride on a path which is more dangerous and not as well maintained as the highway.

**Chairman Atkinson:**

Would you mind if we interrupt you for a minute? Mr. Carpenter has a quick question.

**Assemblyman Carpenter:**

In our area, we have some bike paths that were constructed at quite a high dollar. Are you saying that we are not supposed to use them?

**Terry McAfee:**

Their use is appropriate in some cases, but not all. They have been shown statistically to be more dangerous than riding in a bike lane and twice as dangerous as riding in the street with no bike lane. There are some situations where a bicyclist is riding at a pedestrian pace and he typically is an inexperienced cyclist, and then the law can make sense. A mandatory side path law makes riding on those paths dangerous, which is the problem.

**Assemblyman Bobzien:**

The issue is one of choice. Certainly those facilities are valuable and there are a lot of examples of well constructed and well maintained facilities, but the idea, again, is that cyclists should be free to chose what they deem to be the safest way to travel.

**Terry McAfee:**

Speaking to the safety issue, a study published in the *ITE Journal* of the Institute of Transportation Engineers in September 1994 compared crash statistics with riding location and exposure, meaning bicycle volume counts. This study found that bicyclists traveling on sidewalks are 1.8 times more likely to crash than if riding on the roadway. Bicyclists traveling against the traffic

flow are 3.6 times more likely to crash than riding with the traffic flow. Combining these two factors, bicycles traveling on sidewalks against the traffic flow are 5.3 times more likely to crash than traveling with traffic on the roadway.

In another study, William Moritz, a professor at the University of Washington, found that bike lanes are the safest and sidewalks are the least safe in a survey of experienced recreational and utility cyclists. A shared-use path is about 3.5 times more dangerous than a bike lane and 2 times more dangerous than a major street with no bicycle facility on it.

Why allow laws that force cyclists into potentially dangerous situations? I believe we should heed AASHTO's advice, reduce our liability exposure, and make Nevada a safer place to bicycle by passing A.B. 247.

**Assemblyman Goicoechea:**

I want to make sure that under section 4, local ordinance can still, in fact, require that you not ride on a sidewalk, but after it is amended, they cannot require that you ride on a bike path, or only on the sidewalk?

**Assemblyman Bobzien:**

That is correct.

**Assemblywoman Heidi Gansert, Washoe County Assembly District No. 25:**

My husband is an avid cyclist, and he asked that I come today to support this legislation. The original bill presents exactly what cyclists do on the road. People who ride a lot do not make the correct turn signal, they point to potholes in the road, and they point to the right when they are going to turn. I do support the original legislation.

**Chairman Atkinson:**

Are you talking about the amendments?

**Assemblywoman Gansert:**

I am not sure about the amendments; I did not see those until today.

**Chairman Atkinson:**

You still like the original better?

**Assemblywoman Gansert:**

There are a couple of definitions. The definition that is presented, talks about side paths adjacent to highways specifically, not just paths. There are paths

safer to use that are adjacent to highways. There are cyclists who may want to have a wider space and perhaps that is why they want that amendment.

**Assemblyman Goicoechea:**

My issue is, especially on Highway 50, we are seeing an increasing number of cyclists, and they do pose a threat to themselves, being out in the travel lane and somewhat hidden, especially if you come up behind them and there is on-coming traffic. I wish there were a bike path all along Highway 50.

**Assemblywoman Gansert:**

Cyclists tend to use the same rules of the road as motorists. If it is adjacent to a highway, the alternative may be better. It sounds like there is not an alternative on Highway 50.

**Assemblyman Goicoechea:**

If you have a bicycle going 3 miles an hour and a vehicle going 70 miles an hour, it is an issue.

**Assemblywoman Gansert:**

Cyclists are very careful, and as Assemblyman Bobzien stated, they do not want to have a bad reputation caused by a cyclist who is not paying attention. The avid cyclists are really careful where and how they ride.

**Anne Macquarie, representing Muscle Powered: Citizens for a Bikeable and Walkable Carson City, Carson City, Nevada:**

I am a bicyclist and a pedestrian. My chosen modes of transportation and I support Assembly Bill 247 for all of the reasons that Assemblyman Bobzien mentioned.

Regarding the current requirement for a continuous hand signal while turning, imagine riding on bumpy pavement in traffic with only one hand on the handlebar. It is scary and dangerous. I believe by correcting these sections of existing law, A.B. 247 will make bicycling safer in Nevada ([Exhibit I](#)).

**Assemblyman Carpenter:**

Do I understand that you are a resident of Carson City?

**Anne Macquarie:**

Yes, I am.

**Assemblyman Carpenter:**

Does Carson City have an ordinance that says you can ride only on the sidewalk?

**Anne Macquarie:**

I have heard rumors of that ordinance, but to be honest, I have never heard whether it actually exists. I have not tried to look it up myself because I do not ride on the sidewalk.

**Assemblyman Carpenter:**

You ride in the street, right?

**Anne Macquarie:**

Yes, I ride in the street with traffic as most cyclists do.

**Assemblyman Carpenter:**

I see a lot of them going in the other direction.

**Anne Macquarie:**

Yes, on the sidewalks—going in the other direction.

**Tim Rowe, representing the Alta Alpina Cycling Club, Minden, Nevada:**

[Spoke from prepared testimony ([Exhibit J](#)).]

**Roger L. Jacobsen, Research Professor, Division of Hydrologic Sciences, Desert Research Institute, representing the Reno Sparks Kiwanis Bike Program, Reno, Nevada:**

Kiwanis is a service organization that focuses on children's programs. We have a bicycle program where, throughout the year, we train, teach, and help young people to ride bicycles better, traditionally, in a controlled environment. Sometimes we get them on the road. We go to various rodeos and during that time impact about 1,000 young people every year. We are certainly in support of this Assembly Bill 247. It will make our job of teaching young people safe riding easier, primarily relating to the hand signals.

The hand signal for the right turn is not a natural one that we notice young people want to use. When they show someone they want to turn right, they almost always point with their right arm, and not with the signal we try to teach them. This bill is something that would certainly help us to teach them the right way and to correct them so they know what the law is, and they can follow the law.

As a scientist and also an avid cyclist, I agree that what has been said is certainly true. When we decide to ride on a street with both directional turns, or use bicycle lanes, most of us prefer to use bicycle lanes and be removed from traffic, if we can, and hope they are well maintained and safe. There are issues with that, especially with dual use, where there are a lot of pedestrians;

it is difficult to ride bicycles where there are pedestrians. Especially, we are seeing more people walking their dogs, sometimes on a leash and sometimes not. Riding a bicycle on those paths, I feel, is much more dangerous than riding on the street or on a very well maintained bicycle lane.

**Tracy Bower, Director of Government Affairs, Regional Transportation Commission of Southern Nevada, Las Vegas, Nevada:**

We do support Assembly Bill 247. We have been working for a number of years to expand the availability of bike routes and bike lanes throughout southern Nevada. We have a pretty avid cycling community and we believe these amenities are important; however, we do recognize there may be some areas where additional regulations are needed regarding sidewalks, and we certainly support the local entities' ability to do that.

**Erin Breen, Director, Safe Community Partnership, Transportation Research Center, University of Nevada, Las Vegas, Las Vegas, Nevada:**

I originally signed in as in opposition to this bill, but with the amendments, we would be in support of Assembly Bill 247. My opposition had been in the change in the law to allow bikes to always be on the sidewalks ([Exhibit K](#)).

We support the hand signals. I would like to see an education campaign developed to alert motorists to the changes they should be looking for when bicyclists are going to turn or to stop. I would even commit that we would be very happy at Safe Community Partnership to help develop an education campaign for motorists.

**Joshua Martinez, Detective, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department, Las Vegas, Nevada:**

We support this bill with the amendments removing the language with regard to the sidewalk issue. We had concerns with the sidewalk language because of the resort corridor, as well as the points previously addressed of people riding against traffic on the sidewalks having a greater chance of being struck by an automobile because the automobile public is looking for cyclists riding in the same direction as the flow of traffic.

We also support the amendment with regard to using bike paths adjacent to highways. In the city of Las Vegas that was one of the codes referenced by Assemblyman Bobzien. They have plenty of paths, and as you heard from the Regional Transportation Commission, they are continuing to create these types of paths in southern Nevada to allow for safe cycling to and from work as well as recreational.

**Assemblyman Goicoechea:**

The way I understand the amendment, you can no longer require that they use the bike paths even though you have created them.

**Joshua Martinez:**

It is an either/or issue. I spoke with Assemblyman Bobzien after his testimony with regard to this because in southern Nevada we have a bike path in Henderson, the River Mountains Loop Trail that goes around the Lake Mead National Recreational Areas. That is actually one of the trails I ride almost every day. As stated earlier, sometimes trails are not the safest because of rocks and other people walking, but we would still be able to use that trail and not be cited by law enforcement.

**Assemblyman Carpenter:**

Maybe Mr. Bobzien needs to come up here. The way I read this, what I call a side path is a path next to a highway that has been specifically built for a bicycle.

**Joshua Martinez:**

A lot of the bike paths are adjacent to the highways, and one of the proposed bike paths to be built in the Red Rock Canyon National Conservation Area will be adjacent to the highway. They are like small roads, with blacktop and lines in each direction to allow for safe passing of bicycles going in one direction or the other. It is something we might clarify further. But the paths would still be used and they are clearly marked with bicycle signs.

In Henderson, where I live, we also have stop signs at the intersections where you must stop. If you fail to abide by the signs, like a motorist, you can be cited.

**Assemblyman Carpenter:**

I do not know whether I am reading the amendment correctly or not, but it says, "Any ordinance enacted by a local authority which requires the operation of bicycles only upon sidewalk or side path areas is void. *A side path is defined as a useable path for bicycles provided adjacent to a highway.*" It looks to me as if you have a useable path next to a highway, and the ordinance says you are supposed to use that, but it is empty. I do not understand that.

**Joshua Martinez:**

I do see what Assemblyman Carpenter is saying with regard to the local ordinance would be voided in regard to the sidewalk or side path areas. That is why I was trying to clarify the new language defining a side path as a useable path for bicycles provided adjacent to highways. If it is a path, the

interpretation that Assemblyman Bobzien gave to me is that we, as cyclists, would be okay.

**Assemblyman Carpenter:**

We need to get someone to clarify what it really means.

**Assemblyman Bobzien:**

I am actually trying to get a copy of the local ordinance.

**Chairman Atkinson:**

We will do that in a minute, Mr. Carpenter, and if we cannot have it before the end of the meeting, we will not necessarily vote on it today unless your concerns can be addressed.

**Assemblyman Goicoechea:**

The way I understand the language in the bill, it would give you the option to ride the bike path even though it would no longer allow local jurisdictions to mandate that you do so. If it was available and you chose to ride it, you could. If you want to take your chances and ride down the highway, you could do that as well.

**Joshua Martinez:**

That is correct. Bicycles would still be able to use the roadway, and in your example of Highway 50, if you have two bicyclists who go from the center lane to the side of the road, they can pedal in that lane. They do not have to be on the right-hand side because they are considered an automobile.

**Assemblyman Goicoechea:**

Sometimes they may get a heck of a push.

**Assemblywoman Spiegel:**

I am also from Henderson, and I frequently walk on paths along Paseo Verde Parkway where there is the roadway, and adjacent to the roadway is a blacktop path that is a multipurpose path for both bicycles and pedestrians. Next to that is a sidewalk. I walk early in the mornings, and there are usually pedestrians and dogs on both the sidewalk and ostensible bike path. Sometimes bikers ride on Paseo Verde, and sometimes bikers ride on the blacktop path.

Is there any concern that you have, that this amendment could ultimately lead to making it more difficult for bicycle riders to use the bike path if there is an either/or option?

**Joshua Martinez:**

I understand your concern, but most cyclists would prefer to ride on the road because it is a safer mode of travel. The option of the bike path requires you to use care to avoid injury.

**Laurie Anne Grimes, Manager, Bicycle and Pedestrian Safety Program, Office of Traffic Safety, Department of Public Safety:**

I too came in opposition, but with the deletion of bicycles on sidewalks, we now support this bill. I also provided you with two booklets containing the bicycle handbook laws. There is the adult version ([Exhibit L](#)) as well as the child's version ([Exhibit M](#)).

If you turn to pages 33 through 36, you will find it actually refers to where bicycles are and are not allowed, if you have any questions about that topic. It would change a little with the addition of the right-hand law. On page 5 we would have to make some changes. I have quotes on the cost of having stickers made, as we currently have over 30,000 of these brand-new booklets.

**Tim Healion, Founder and Promoter of Nevada's Tour de Nez, Reno, Nevada:**

The Tour de Nez is Nevada's oldest and longest running internationally acclaimed professional race. It is a community oriented event with events for kids and recreational cyclists. I am in support of Assembly Bill 247.

**Dan Allison, representing Safe Routes to School, Carson City, Nevada:**

I recently attended a league cycling instructor course, which is the national level bicycle safety course, and had the opportunity to observe people using both of these types of signals. Drivers better understood the right-hand signal, so I think that would be the appropriate signal.

There have been some questions regarding whether or not a bicycle should use the roadway or the side path. Highway 50 East in Carson is an example of a place where there is a bicycle path, but because the bicycle path ends in some places, and its condition varies, there are parts where the bicyclist would choose to stay on the roadway as the safer place to be.

**Chairman Atkinson:**

Mr. Bobzien, we appreciate your trying to work out your differences before coming to the table. It always seems to work out better when we do legislation that way.



**Assemblyman Bobzien:**

I do want to talk more about the side path issue. I cannot speak for the other municipalities, but I did have an online exchange with Councilman Dave Aiazzi from the City of Reno. Yesterday he indicated that the City Council of Reno had taken a positive action on this bill and voted to support this bill at their meeting in full knowledge of the local side path issue. The critical piece on the side path is that it is a policy question. I would hope, as a cyclist, that we continue to develop side paths and bike paths and construct them so that they are attractive and safe for cyclists. I am confident that will continue. All we are doing with this amendment is giving the cyclist, who is the most impacted, the option to ride on the roadway or the side path.

Also critical to note here is that these are local ordinances only. There exists in state law a long list of sections of highways in Nevada where it has been determined that bicycles are probably not such a good idea due to the high speed of automobiles. They are sections of Interstate 80, U.S. Highway 395, Interstate 15, and Interstate 95, and it would not make a lot of sense to ride your bicycle there. Again, the side path issue is a policy question of whether or not there should be a choice for cyclists between riding on the path or taking their lives in their hands.

**Chairman Atkinson:**

Mr. Carpenter, do you still have questions before we bring it back to the work session?

**Assemblyman Carpenter:**

Thank you. I will have a conversation with my colleague and figure it out.

**Chairman Atkinson:**

Mr. Bobzien, the way we do bills in our Committee are we bring them back to a work session, so that is what we will do. I do not think there are other concerns. You did a good job, and we thank you as a Committee for doing your homework before coming to this Committee.

We will close the hearing on Assembly Bill 247. We will ask for public comment either in Las Vegas or Carson City. [None.] [Adjourned 4:05 p.m.]

RESPECTFULLY SUBMITTED:

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Sharon McCallen  
Committee Secretary

APPROVED BY:

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Assemblyman Kelvin Atkinson, Chairman

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

## EXHIBITS

**Committee Name:** Committee on Transportation

**Date:** March 12, 2009

**Time of Meeting:** 1:36 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 217	C	Erin Breen	Letter of Support for Assembly Bill 217
A.B. 217	D	John R. Johansen	Printout of PowerPoint presentation "Cell Phones and Driving"
A.B. 217	E	John R. Johansen	University of Utah study on "Drivers on Cell Phones Are As Bad As Drunks"
A.B. 217	F	Michael Geeser	Letter of Support for Assembly Bill 217
A.B. 247	G	Assemblyman David Bobzien	Proposed Amendment: Assembly Bill 247
A.B. 247	H	Terry McAfee	NV Cyclist's Dilemma: "Safe or Legal?"
A.B. 247	I	Anne Macquarie	Testimony in Support of Assembly Bill 247
A.B. 247	J	Tim Rowe	Testimony in Support of Assembly Bill 247
A.B. 247	K	Erin Breen	Letter in Opposition to Assembly Bill 247. (Changed to support in oral testimony.)
A.B. 247	L	Laurie Anne Grimes	"Safe Walking and Pedaling, SWAPnv, Safe Bicycling Pocket Guide for Adults"
A.B. 247	M	Laurie Anne Grimes	"Safe Walking and Pedaling, SWAPnv, Kids SAFE Bicycling Pocket Guide"