

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

**Seventy-Sixth Session
April 19, 2011**

The Committee on Transportation was called to order by Chair Marilyn Dondero Loop at 3:52 p.m. on Tuesday, April 19, 2011, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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](#)), 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/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn Dondero Loop, Chair
Assemblyman Jason Frierson, Vice Chair
Assemblywoman Teresa Benitez-Thompson
Assemblyman Steven Brooks
Assemblyman Richard Carrillo
Assemblywoman Olivia Diaz
Assemblyman John Hambrick
Assemblyman Scott Hammond
Assemblyman Joseph M. Hogan
Assemblyman Randy Kirner
Assemblywoman Dina Neal
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Kelvin Atkinson (unexcused)
Assemblyman Mark Sherwood (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Darcy Johnson, Committee Counsel
Jordan Neubauer, Committee Secretary
Sally Stoner, Committee Assistant

OTHERS PRESENT:

Chuck Callaway, Police Director, Office of Intergovernmental Services,
Metropolitan Police Department, City of Las Vegas
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs'
Association
Tim Kuzanek, Captain, Special Operations Division, Operations Bureau,
Washoe County Sheriff's Office
Mike Cathcart, Senior Financial Analyst, Budget and Strategic
Management, Finance Department, City of Henderson

Chair Dondero Loop:

[Roll was called. Rules and protocol were stated.] We will hear one bill today, and we will not have a work session. I will now open the hearing on Senate Bill 84.

Senate Bill 84: Revises certain provisions relating to roadblocks. (BDR 43-601)

**Chuck Callaway, Police Director, Office of Intergovernmental Services,
Metropolitan Police Department, City of Las Vegas:**

I am happy to come before your Committee today with Senate Bill 84. This bill attempts to do two things to clean up language in the administrative roadblock law, which is covered under *Nevada Revised Statutes* (NRS) 484B.570. The first change we are requesting in this bill is in section 1, line 9; we want the language to be changed from "point of" to "entrance to." The reason is because according to our traffic officers who have worked on DUI checkpoints, we have issues come up where we have been challenged as to where the warning signs have been placed because it was not clear where exactly they should be placed. We hope changing the language to "entrance to" will clarify exactly where we should start measuring out to put the warning signs.

The second thing the bill does is in section 1, lines 26 through 33. In urban areas, we want to request to be allowed to decrease the distance the warning signs are currently placed from a quarter of a mile to 700 feet. The reason for that is because Las Vegas has significantly grown since this bill was drafted or the last time this law was changed, which was in 1987. In the rural areas a

quarter of a mile is fine, but in the urban areas a quarter of a mile is several blocks, and it can cause a lot of opportunities for potential drunk drivers to turn out of the checkpoint before getting to the actual checkpoint. On the other side of the coin, it also allows citizens to inadvertently turn into the checkpoint. You could be traveling down a side street and turn into the checkpoint and not realize a checkpoint lies ahead because of the long distance.

That is what we are requesting. I would be happy to answer any questions. Lieutenant Marshall is in Las Vegas; he is one of our traffic officers who often works DUI checkpoints, and if there are any technical questions, I am sure he could answer them.

Chair Dondero Loop:

Thank you. Does Lieutenant Marshall have testimony, or is he just here for backup?

Chuck Callaway:

I believe he is just there for backup; I do not think he has prepared testimony.

Chair Dondero Loop:

Lieutenant Marshall, you are welcome to chime in if you would like. Are there any questions from the Committee? I have one: why would there be an issue if somebody just inadvertently turned in from a side street?

Chuck Callaway:

From a law enforcement standpoint I do not see an issue, but as far as citizens' rights go, we try to notify the public that there is a checkpoint ahead. If someone was coming from a side street and pulled into the checkpoint, he would not have adequate notice that there was a checkpoint ahead. The public should have a right to know there is a checkpoint ahead.

Chair Dondero Loop:

Thank you. Are there any questions from the Committee?

Assemblyman Hammond:

I am curious, is there any other kind of roadblock that would be issued other than a DUI checkpoint?

Chuck Callaway:

Primarily 98 percent of the checkpoints are DUI checkpoints. There may be a situation, and an example would be Washington D.C. when the sniper incidence occurred. They set up several administrative roadblocks to try and locate the potential snipers in those situations, so there may be an instance where that

might occur. There may be some other situation such as a flood or evacuation where they might want to set up an administrative roadblock. Our primary concerns with the changes we are requesting are for the DUI checkpoints that we conduct.

Assemblywoman Neal:

I am just curious about something. I ran into a roadblock one time in my neighborhood, and the roadblock was not even on the street where it was happening, but they would not let me get through. I actually had to go to my dad's house for five hours. I was confused because if it was not on the street I was on, and the roadblock was three streets behind me. Why could I not go home? They would not let me go home. What is the policy?

Chuck Callaway:

Without having firsthand knowledge of that particular situation, I am going to venture out on a limb and guess. What you are probably referring to is a perimeter as opposed to a roadblock. A few examples of why we would set up a perimeter are in cases where we have a hostage situation, someone ran from an officer in a neighborhood and he was armed with a weapon, or there was a potential explosive device. We would set up the perimeter, and we would not allow anyone in or out of that scene except for investigative personnel or rescue people. It is possible that the situation you are referring to was a perimeter roadblock rather than an administrative roadblock. Typically on an administrative roadblock, we try to keep a flow of traffic and cars will be randomly selected. Every 10th or 20th car will be stopped, and all other cars will go through so traffic is not backed up. If you have a date and time, I could research it for you.

Assemblywoman Benitez-Thompson:

We are going from 1,320 feet currently to 700 feet. What is that difference in real terms: one city block, two city blocks? What does the 620-foot difference look like?

Chuck Callaway:

You cannot rely on city blocks because the distances vary. I have been told that on average the distance between two light poles is about 100 feet. Seven light poles would be roughly 700 feet. I could not give you specifics as to how many city blocks it would be.

Assemblyman Frierson:

I understand the difference between the rural areas and the urban areas, but what I am not quite grasping is if the 700 feet is adequate for the urban areas,

why would we not just do that across the board and make it 700 feet for everybody?

Chuck Callaway:

I would not be opposed to that. The main reason we requested the change for only the urban areas is because our jurisdiction only deals with urban areas. I did not want to necessarily change language for what the rural people were doing. I had not heard any complaints or issues from the rural areas. I would probably request that Frank Adams, or someone who represents the rural areas, address whether they would welcome this change or not.

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association:

A lot of it has to do with the higher speeds in the rural areas. The 1,320 feet allows for more slowdown time. The rural areas have a higher speed than the urban areas, 25 miles per hour (mph) to 35 mph in the urban areas compared to 45 mph to 60 mph in the rural areas. That would be my thoughts on it.

Assemblyman Frierson:

For some reason the image I have is if it is a rural area, it is an open area and somebody might see the roadblock and turn around. I do not know if there is a procedure to follow him. I was curious about the difference, but the speed makes sense.

Chuck Callaway:

The procedure at DUI checkpoints is not my area of expertise, but I believe we have a person that is designated as a chase car or a monitor, and when someone blatantly turns out of the checkpoint, they will watch that person's driving just to make sure he is not swerving or driving erratically, and if he does not appear to be, then the person is not stopped. He is allowed to continue driving. If it looks like that person is swerving, then we will pull that person over to see if he is DUI.

Chair Dondero Loop:

Are there additional questions from the Committee? I have a follow-up to Mr. Frierson's concern. In my mind I had a visual of the rural areas being exactly the opposite, smaller towns with lower speed limits.

Chuck Callaway:

It is my understanding that in the rural areas the administrative roadblocks are placed on the highways or interstates that run through the smaller communities as opposed to on side streets, I would assume, to try and catch the people who are flying through town who might be DUI. I have not heard of any that are being placed in the neighborhoods in rural areas.

Assemblyman Brooks:

When you go from 1,320 feet to 700 feet and you put the roadblocks up, does that kind of cause a car to get stuck within the perimeter of the roadblock so they have to go through the checkpoint? Does it increase the length of the checkpoint?

Chuck Callaway:

I want to clarify the way the roadblock is set up. If this bill passes, at the entrance to the checkpoint there would be a stop sign. When you get to that point, the officer will either wave you through, or he will have you pull over and check to see if you appear to be drunk. From that point out 700 feet in an urban area, there would be a warning sign saying 700 feet up ahead there is a checkpoint. I believe due to Supreme Court case law, we are required to allow some opportunity to turn out. Someone could turn out from the checkpoint. The big issue for the urban areas is that we do not want to give them a hundred opportunities to turn out. If we keep it at 1,320 feet, there are side streets, private drives, driveways that go into businesses, et cetera. If we are able to tighten that up to 700 feet in the urban areas, we will still give them an opportunity to turn out of the checkpoint, and the people that turn out would be watched by the spotter vehicle to see if they appear to be intoxicated or not. But they would still have an opportunity to turn out.

Assemblyman Brooks:

Currently it is a quarter mile, and you want to bring it in tighter?

Chuck Callaway:

Currently it is a quarter mile for anywhere in the state. We want to bring it in to 700 feet in the urban areas. If you could, picture in your mind a checkpoint at Flamingo Road and Maryland Parkway. If you went out a quarter of a mile from the entrance of that checkpoint, you could potentially cover a lot of ground. Along that quarter of a mile, there may be a lot of side streets and places to turn out to go down other streets to avoid the checkpoint. If you were out on the highway near Pioche, there would not be as many opportunities to turn out a quarter of a mile on the highway. This bill tightens it up and helps with traffic flow because the longer those warning signs are out and the larger the checkpoint is, the more cars you have coming down the streets and the more congestion you are going to have in an urban area. The tighter the checkpoint, the less vehicle congestion there will be.

Assemblyman Brooks:

This is just in the rural areas?

Chuck Callaway:

The change we are requesting is only for the urban areas. The rural areas will stay the same.

Assemblyman Brooks:

Why not do the rural and the urban areas at the same?

Chuck Callaway:

As stated earlier, in the rural areas the checkpoints are set up on freeways and highways, and as Mr. Adams stated, vehicles are traveling at a higher speed than they are in the urban areas in the neighborhoods or downtown areas. You would want to give them a longer distance to be able to slow down before they reach the checkpoint.

Assemblyman Carrillo:

With these checkpoints, obviously you have people who are inebriated. Usually whenever you see the local news, they are talking about these checkpoints around the holiday season. The people who are inebriated are going to be the people who are going to drive right to the checkpoint and not even think about turning around. I have heard the term "buzzed driving," and maybe those people who have had one or two beers and are not even close to the legal blood-alcohol limit of 0.08 are the people you are going to put into a situation with tightening up this checkpoint where they do not have a chance. I am not saying they are looking for an out, but in the same aspect, you are going to put these people into a situation where the normal law-abiding citizen that just happened to come from a party at one of the local casinos is not going to know what to do now. Law-abiding citizens who had one drink are now thinking what to do. Should they go through? What happens if the police smell beer on their breath? My concern is if they are drunk, they are drunk. I understand if you are trying to pull people off to the side if they have had one beer. You can tell if they are drunk or not. I am assuming that is because you have been trained to do that. I think it just puts those people at a point where they would do things that they would have never done in their normal day because they had one beer. Are those the people we are really trying to get with closing up these roads with roadblocks? I have seen the roadblocks that have a leader car who will chase after the people who turn out and do not go through the roadblock. The officer asks him why he turned out, and the reason is because he just came from Boulder Station Hotel and Casino and had one beer and he was worried.

Chuck Callaway:

A couple things regarding that: first of all, turning out of a roadblock is not probable cause for the officer to stop the vehicle. The officer would still have to witness some type of driving behavior that would lead him to believe that the

driver was intoxicated. If the officer does not see that behavior, the vehicle travels on and we do not stop it. We are concerned with catching the person who is drunk and could kill somebody. We are not concerned with the guy who had a beer and left Boulder Station.

The other issue is when the roadblock is long in an urban area and it stretches out a quarter of a mile, you might have left Boulder Station and are traveling down a side street, and you might turn into the roadblock inside of the warning signs because it is so long. Now you are in the roadblock, and you do not even know you are until you get up to the stop sign when the officer is directing you to stop. I do understand your concerns. Lieutenant Marshall could probably give the exact statistics when we do roadblocks, but typically thousands of cars pass through the checkpoint, and we may make 20 arrests during the time we have a roadblock set up. The number of cars that pass through the checkpoint is much greater than the number of arrests that are made. We are looking for people who are intoxicated and are going to hurt somebody, not the person who had one beer.

Assemblyman Carrillo:

My concern is the ones who are drunk are going to drive through the checkpoint because they are not paying attention. They are not looking for the signs that say roadblock ahead or DUI checkpoint; they are going to drive through like they do not even know it is there. You are going to get those guys. My concern is the one who drinks the one beer and has a panic attack and realizes there is a checkpoint ahead. Then he starts thinking how many beers he had and how long he was at the bar. Who knows what these people are going to do? That is what my concern is. You are going to have a normal everyday Joe that wants to have one beer after work, which does happen, and he is going to be put in a situation that he normally would not have been put in.

Chair Dondero Loop:

Thank you. Are there any additional questions from the Committee? [There were none.] Is anyone else in support?

Tim Kuzanek, Captain, Special Operations Division, Operations Bureau, Washoe County Sheriff's Office:

We are in support of S.B. 84.

Chair Dondero Loop:

Thank you. Are there any questions from the Committee? [There were none.]

**Mike Cathcart, Senior Financial Analyst, Budget and Strategic Management,
Finance Department, City of Henderson:**

We want to go on the record and say we support this bill as a participating member in the multi-agency traffic task force in southern Nevada.

Chair Dondero Loop:

Thank you. Are there any questions from the Committee? [There were none.] Any more testimony in support? [There was no one.] Is anyone in opposition to S.B. 84? [There was no one.] Is anybody neutral? [There was no one.] I will close the hearing on S.B. 84. Is there any public comment? [There was none.] We are adjourned [at 4:18 p.m.].

RESPECTFULLY SUBMITTED:

Jordan Neubauer
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn Dondero Loop, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: April 19, 2011

Time of Meeting: 3:52 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster