

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-sixth Session  
May 5, 2011**

The Senate Committee on Transportation was called to order by Chair Shirley A. Breeden at 3:40 p.m. on Thursday, May 5, 2011, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Shirley A. Breeden, Chair  
Senator Michael A. Schneider, Vice Chair  
Senator John J. Lee  
Senator Mark A. Manendo  
Senator Dean A. Rhoads  
Senator Mike McGinness  
Senator Elizabeth Halseth

**GUEST LEGISLATORS PRESENT:**

Assemblyman Elliot T. Anderson, Assembly District No. 15  
Assemblyman Kelvin D. Atkinson, Assembly District No. 17  
Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27

**STAFF MEMBERS PRESENT:**

Kelly Gregory, Policy Analyst  
Bruce Daines, Counsel  
Patricia Devereux, Committee Secretary

**OTHERS PRESENT:**

Luana J. Ritch, Sergeant First Class, U.S. Army Reserve, Retired  
Troy Dillard, Deputy Director, Department of Motor Vehicles  
Terry K. McAfee, President, Nevada Bicycle Coalition  
Melissa Krall, Coordinator, Safe Kids Washoe County

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Laurie Anne Grimes, M.A., CLE; Education and Information Officer; Nevada Pedestrian and Bicycle Safety Education Officer, Office of Traffic Safety, Department of Public Safety

Arthur (A.J.) Delap, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department

Dean Deming

Timothy G. Rowe, Member, Alta Alpine Cycling Club; Lake Tahoe Bicycle Coalition; League of American Bicyclists; Muscle Powered—Citizens for a Bikeable and Walkable Carson City; Bicycle Advisory Board, Nevada Department of Transportation

Kelly Clark, Board Member, Muscle Powered—Citizens for a Bikeable and Walkable Carson City

Erin Breen, Director, University of Nevada, Las Vegas Safe Community Partnership

James Kimsey, Member, A Brotherhood Active Towards Education; Southern Nevada Confederation of Clubs

Jacob Snow, General Manager, Regional Transportation Commission of Southern Nevada

Tom Skancke, Executive Director, I-11 Alliance-CAN-DO Coalition

Michael Dayton, Vice President, Government Affairs Group, McDonald Carano Wilson, LLP; NAIOP Commercial Real Estate Development Association; Nevada Hotel and Lodging Association

CHAIR BREEDEN:

We will open the hearing on Assembly Bill (A.B.) 277.

[ASSEMBLY BILL 277 \(1st Reprint\)](#): Provides for special license plates honoring female veterans. (BDR 43-810)

ASSEMBLYMAN ELLIOT T. ANDERSON (Assembly District No. 15):

I will read from my prepared testimony ([Exhibit C](#)). The reason I entered politics and ended up in the Legislature is because of veterans' advocacy. I saw the disconnect between where I thought people who had served the Country should be and where they really were.

I saw homeless Vietnam War veterans with two strikes against them. They were unemployable and homeless due to post-traumatic stress disorder, and, due to the U.S. Department of Veterans Affairs (VA) backlog, unable to receive disability payments even after the backlog caught up to them. I saw

documented misclassifications of veterans' disabilities at the federal level in order for the VA to save money. This is while two wars piled more people onto an already-strained system.

In general, this angered me. I became increasingly involved in the process of helping veterans, soon learning that states have realized the federal government needs to do more continually. Many states, including Nevada, created state veterans' offices. Those offices' core missions are to obtain benefits due to veterans from the federal government.

One need not have an economics degree to understand the benefit of getting more federal dollars into the State while coincidentally easing the burden on our social-services safety net. The Nevada Veterans' Services Commission (NVSC) is part of the Office of Veterans' Services (OVS). I am proud to say I am a NVSC member and take the job very seriously. It is why I became involved in politics.

During the 75th Legislative Session, I was an intern for then-Assemblywoman Kathryn A. McClain. She received a great idea from a fellow U.S. Marine Corps (Marines) member to make a license plate honoring Nevada's women veterans, which A.B. 277 proposes. I was asked to work on such legislation. Marine Cheryl Gardner came up with the idea. She served in the old Marine Corps, whose motto is, "The few and the proud." Women Marines have a different motto: "The fewer and the prouder."

Ms. Gardner showed me examples of plates honoring women veterans from Tennessee, New Mexico, Illinois and California, all of which allow different logos on their veterans' plates. Legislation to allow a women veterans' plate is being considered across the Nation because it is important for states to obtain federal dollars. Veterans' plates, especially in Nevada, allow funds to be raised for states' veterans' services offices.

The Nevada Gift Account for Veterans, sponsored by the Nevada Veterans License Plate Program, does that. It provides additional resources for OVS to increase outreach to veterans so they can receive proper services. By buying the plates, veterans may raise money among themselves to help their peers. The account provides stability to allay any current or future funding downturn for OVS.

Assembly Bill 277 has no fiscal impact. It makes clear that the women's plate would be the same style as our other veterans' plates so as to not increase the enforcement burden. The original bill was drafted incorrectly, including alternative versions of all of the plates for all branches of service. The bill was amended in the Assembly to ensure there is only one plate.

The bill also clarifies existing *Nevada Revised Statutes* (NRS) veterans' plate regulations that were in place before the establishment of the Commission on Special License Plates. The proposed plate thus would not have to go through that commission's review process.

The bill contains transitory instructions to the Department of Motor Vehicles (DMV) to ensure NVSC can tailor the image. This would help ensure the image provided by veterans' affairs advocates would better illustrate what women would want on the plate. After all, women will be ones who would buy it. The bill would also create an additional task for DMV, which would entail a fiscal note.

SENATOR RHOADS:  
How many female veterans are there in Nevada?

ASSEMBLYMAN ANDERSON:  
I do not have that data.

SENATOR LEE:  
Veterans of the National Guard are included in the bill. Would that include the Nevada Air National Guard and other volunteer service organizations that back up the armed forces?

ASSEMBLYMAN ANDERSON:  
Existing NRS would apply when a veteran had a DD Form 214—Certificate of Release or Active Discharge From Active Duty—issued by any service branch. That would be required proof before DMV could issue the plate.

LUANA J. RITCH (Sergeant First Class, U.S. Army Reserve, Retired):  
I will read from my prepared testimony ([Exhibit D](#)). I support A.B. 277 because it would allow women veterans to select a special symbol of their service on the veterans' license plate. I joined the U.S. Army at age 17 and went on active

duty immediately after graduating from high school. The G.I. Bill was my college fund.

I was on active duty from 1977—the last year of the Women's Army Corps—to 1981, following a year's deployment in Korea. My Korean camp was closer to the demilitarized zone than is my office to my home in Sparks. After my discharge, I joined the Nevada Army National Guard and then the Army Reserve. I was a senior noncommissioned officer until I transferred to the retired reserve in 2005.

After years of preparing entire units and individual soldiers to serve in two wars, I was retired with two Meritorious Service Medals, four Army Commendation Medals, the Korean Defense Service Medal and two National Defense Service Medals. I incurred permanent, service-connected disabilities.

Given this history, it is no surprise that, when I was younger, I became angry when men servicing my car would always ask if it was my father's car. I suppose I should still be angry today when they ask if I am driving my husband's car.

I support this bill because today's young servicewomen are in harm's way in unprecedented numbers. In today's wars, women have faced the same risks as men: roadside bombs, sniper attacks and the exchange of direct and indirect fire. Young women have been seriously injured, had limbs amputated, been assaulted, been raped, taken prisoner and sacrificed their lives—all in service to their Country. I read an article in the monthly *VFW Magazine*, the official publication of the Veterans of Foreign Wars, of which I am a life member, that stated more women have been awarded the Purple Heart Medal in the Iraq and Afghanistan wars than have been bestowed in all previous conflicts since the Medal was created.

Women who have served should have the opportunity to choose a plate symbol so mechanics will not ask if they are driving their fathers' cars. Some may say the best way to acknowledge women veterans is not to allow a special plate emblem and to treat them the same as men. My opinion is, "Let the veteran choose; after all, they performed the service."

By passing A.B. 277, the Committee would encourage women veterans to remind everyone that women also serve our Country. You can help these

oft-forgotten veterans, of which there are more than 14,000 in Nevada, to demonstrate pride in their service to our Nation and Nevada. Passage would also provide needed funding for veterans' services for both sexes.

CHAIR BREEDEN:

You have very impressive credentials. As someone who has never served in the military, I thank you. Assemblyman Anderson said there will be just one license plate design. Are you helping him with that design, and do you have an idea of what it might look like?

ASSEMBLYMAN ANDERSON:

The bill contains a transitory instruction to allow NVSC to collaborate with and take input from the female veterans' community. Carol Turner, Deputy Executive Director of OVS, sponsors a symposium for women veterans. My intent with the bill is to return to NVSC and make it an agenda item for its board meeting, get input from women veterans, have them decide on the symbol design and then vote on their choice in NVSC.

CHAIR BREEDEN:

When you say "commission," are you referring to the legislative Commission on Special License Plates?

ASSEMBLYMAN ANDERSON:

No, I am referring to the NVSC.

CHAIR BREEDEN:

When does NVSC next meet? The bill does not have an effective date, which is normally October 1.

ASSEMBLYMAN ANDERSON:

The meeting will be in June or July. The NVSC met just after Veterans Day at the Legislature, so it will be three months from then. We have until then to come up with an image for the plate.

SENATOR MANENDO:

Are you comfortable with not having a specific date by which NVSC and interested parties will come up with the design? I do not want you to come back in two years, saying, "The design has not been chosen. Help us make sure it gets done." Does the bill need to set a deadline to keep the progress going?

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ASSEMBLYMAN ANDERSON:

Since I am on the NVSC, and the bill will help raise money for the OVS, I am confident the design will be done soon.

SENATOR MANENDO:

I am also on the NVCS, so we will work together to see it gets done.

TROY DILLARD (Deputy Director, Department of Motor Vehicles):

There is a fiscal note attached to A.B. 277 due to the amendment to the revised version submitted by the Assembly. The bill would have no fiscal impact, as there only would be 40 hours of programming required to implement it. Whether or not the NVSC gets the plate design approved, DMV will have the plate ready to issue by October 1, 2011. We are just awaiting that design to apply to the plate.

CHAIR BREEDEN:

That is wonderful news. We will close the hearing on A.B. 277 and open the hearing on A.B. 328.

[ASSEMBLY BILL 328 \(1st Reprint\)](#): Enacts provisions relating to vulnerable highway users. (BDR 43-844)

ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON (Assembly District No. 27):

My presentation ([Exhibit E](#)) will walk us through A.B. 328, the "Vulnerable Highway Users Bill." The concept was brought to me in the fall of 2010 by members of bicycling, pedestrian and recreational groups. They are engaged in cycling events and marathon competitions.

My Assembly District No. 27 has many parks, and it abuts the Truckee River. The Reno-Tahoe Odyssey Relay Run Adventure starts in my district and ends at Lake Tahoe. There was a marathon in my district last weekend. Often, drivers must share the road with cyclists, pedestrians and joggers who are enjoying northern Nevada's beautiful weather.

The bill's use of "highway" is misleading. It is a legal term that means all roads in Nevada. The Vulnerable Highway Users Bill addresses users of all State roads.

The bill's purpose is to acknowledge that, under NRS reckless-driving provisions, the standards should be lowered by which motor vehicle operators

could be ticketed. The threshold in NRS is that fines kick in whenever there is substantial bodily harm or death of a pedestrian or cyclist. However, often cyclists or pedestrians can be hurt when cars collide with them, but the incident does not rise to the level of substantial bodily harm or death.

Throughout the State, despite law enforcers' best efforts, there is inconsistency in issuing citations. Often cyclists and pedestrians are injured, but authorities will not investigate incidents. Driver offenders receive tickets for fines of about \$100 for failure to yield the right-of-way, even though they have actually struck someone. The bill would lower that threshold to increase awareness among drivers as to vulnerable road users. If drivers speed through school zones, they might tell officers, "Gosh, I did not see the zone or realize it was there." But, if speeding drivers are issued tickets, their awareness increases, and they probably will not speed through school zones again.

The cycling, walking and running communities are working on education awareness among their members. They think the bill will go a long way to help that effort.

The original bill had a lot of sections deleted because in the Assembly, I worked with several groups to make sure changes to the reckless-driving fine-structure statute were targeted and precise. There are prescribed fines for certain situations, such as if a road worker is hit. We did not want to double up on fines, so we went through NRS to determine exactly how we want the bill applied.

The gist of the bill is section 12.7, subsection 2, which refers to NRS 484B.270 rules of the road between vehicles and bicycles. We propose to add this language in section 12.7, subsection 5:

If, while violating any provision of subsections 1 to 4, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

The bill's section 13 applies to NRS 484B.280 rules of the road between vehicles and pedestrians. We are proposing the above language change would apply to collisions with pedestrians. Section 14 applies to NRS 484B.283 rules of the road between vehicles and pedestrians in crosswalks. If a driver hits a pedestrian in a crosswalk, the reckless-driving fine structure would apply.



The bill's section 19 would amend NRS 484B.350 rules of the road between vehicles and pedestrians in school-guard crossing zones. Section 21 applies to violations of NRS 484B.363 school-zone speed limits. Section 25 would amend NRS 484B.600 penalties for when a speeding driver strikes a cyclist or pedestrian.

Section 31 contains the actual reckless-driving language concerning the tiered penalty structure. Fines differ for first, second and third offenses, and each penalty has three parts: money, community service and imprisonment. For example, for a first offense, if a driver strikes a student in a school-crossing area, the judge would have the discretion to impose a fine of \$250 to \$1,000.

What A.B. 328 does not do is alter existing rules of the road. I am asked, "Will a driver get a ticket if at a stoplight he or she hits a pedestrian who jumps out in front of him or her?" Absolutely not, because NRS states pedestrians cannot enter crosswalks suddenly and against stoplights. The bill would not change when pedestrians, cyclists or drivers are at fault.

The bill would also not interfere with incident reports filed by law enforcers. Officers would still be summoned and follow the process to determine who is actually at fault. The bill's provisions would only kick in if drivers collide with cyclists or pedestrians.

When I began working on this bill with various vulnerable-use communities and law enforcers, we were surprised statutes covering the problem did not exist. The law is essentially silent on consequences for hitting pedestrians and cyclists. We hope the bill would impose consistency for penalties and officer responses statewide.

SENATOR LEE:

I also had no idea NRS did not cover this. The bill should have a friendly amendment covering people waiting in bus shelters who are hit by vehicles. Could we talk about that?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Absolutely.

TERRY K. MCAFEE (President, Nevada Bicycle Coalition):

I will read from my prepared testimony ([Exhibit F](#)). The Nevada Bicycle Coalition is a loose affiliation of statewide cycling organizations. I am in regular communication with about 1,000 cyclists across the State.

I support A.B. 328 because, under NRS, if a driver hits a cyclist, the driver receives a ticket while the cyclist often suffers serious injuries with lifelong consequences. In 1998, I was hit while cycling. I was hospitalized for eight days and continue to have double vision from a concussion. The motorist who hit me probably just paid a traffic fine.

Motor vehicle fatalities have declined in Nevada due to improved vehicle designs. Bicycle and pedestrian fatalities have not declined and are likely to rise as motorists are increasingly distracted by cell phones, texting, navigation systems and DVD players. Motorists' vulnerability to serious injury is declining, while bicyclists' and pedestrians' vulnerabilities are increasing.

Assembly Bill 328 would correct some of this vulnerability imbalance by making motorists more vulnerable through increasing penalties for hitting cyclists or pedestrians. The bill would increase safety for those groups by heightening motorists' awareness of greater personal consequences. Combined with Senate Bill 248, the three-foot-passing bill; and A.B. 188, which restricts semi-trucks to two trailers, A.B. 328 will help make roads safer for all of us.

[SENATE BILL 248](#): Revises provisions governing traffic laws relating to overtaking and passing bicycles and electric bicycles. (BDR 43-794)

[ASSEMBLY BILL 188](#): Revises provisions governing motor vehicles. (BDR 43-899)

SENATOR SCHNEIDER:

What is it like to ride a bike near triple trailers? Do they suck you in or blow you out?

MR. MCAFEE:

They are pretty darn scary, sir. The front of the truck can go by you with a good margin. However, because the truck is so long, its end does not necessarily stay that far away from a cyclist as the driver moves the truck back into a lane.

CHAIR BREEDEN:

You were hit while riding your bike. Could you tell us what happened?

MR. MCAFEE:

I was balanced within a gore, a triangle where the shoulder ends in a point in the pavement striping. The shoulder ended as Sky Mountain Drive merged onto McCarran Boulevard in Reno. I was riding slowly, waiting for cars to yield. The woman who hit me stated in her police report she thought she was sober enough to drive. She thought I was going to cross in front of her, so she tried to go around to my left.

She struck me from behind. Her windshield was broken by the force of my helmet hitting it. Four days later, I woke up in an intensive-care unit

MELISSA KRALL (Coordinator, Safe Kids Washoe County):

I will read from my prepared testimony ([Exhibit G](#)). I am a pedestrian, jogger and cyclist, but I am here specifically on behalf of Safe Kids Washoe County (SKWC). I know A.B. 328 is not child-specific, even though children are the focus of our coalition.

The U.S. pedestrian-fatality death rate for children has dropped by 14 percent since 1987 due to positive reinforcement, community action and proactive safety measures. Annually, approximately 244 U.S. children are killed in pedestrian incidents and approximately 13,000 child pedestrians are injured. We are doing better, but children are still being injured. Pedestrian injury is the leading cause of injury-related death for U.S. children ages 1 to 14.

Safe Kids Washoe County, which is a member of Safe Kids USA (SKU), is committed to teaching safe behaviors to children, motorists and cyclists and to creating safer, more walkable communities. Since 2000, SKWC has worked with schools, traffic engineers, law enforcers and other advocates, as has Safe Kids Clark County. Our goal is to increase awareness in dangerous pedestrian environments.

Since most child-pedestrian fatalities are caused by motor vehicles, A.B. 328 will help create a safer walking environment for children. According to SKU, children are more likely to get hit by cars in areas with higher traffic volume, a higher number of cars parked on the street, higher posted speed limits, where highways are not divided, few pedestrian-control devices and fewer alternative

play areas, such as parks. Many of the situations addressed in A.B. 328 pose extra risks for children.

Young children are at greater risk for pedestrian injury and death because they are developmentally unable to gauge correctly the distance and speed of oncoming vehicles. Environmental modifications, increased traffic-law enforcement and increased penalties for violations reduce traffic-related pedestrian death and injury.

Enactment of A.B. 328 would redefine reckless driving to include violations in school zones. According to SKU, observations at intersections of environmental and behavioral hazards reveal child pedestrians are at risk while walking to and from school. In 1999, an SKU survey found two-thirds of drivers exceeded the posted limits in school zones during peak student-pedestrian periods. In 2003, nearly half of drivers did not come to a complete stop at lights at intersections.

Because driver behavior puts child pedestrians at risk, A.B. 328 would promote road sharing between vehicles and pedestrians. We will continue to increase community safety with our Walk This Way and Safe Routes to School programs. We teach children how to be good pedestrians and practice safe behavior as they transition into bicyclists and drivers. We teach them to share the road.

LAURIE ANNE GRIMES, M.A., CLE (Education and Information Officer; Nevada Pedestrian and Bicycle Safety Education Officer, Office of Traffic Safety, Department of Public Safety):

I will present the Department of Public Safety (DPS) handout ([Exhibit H](#)) on vulnerable highway users. Page 3 has a graph showing Nevada bicycle-pedestrian fatalities for 2005 to 2010. Bicycle deaths are 2 percent to 3 percent of total traffic fatalities, whereas pedestrian deaths are 12 percent to 18 percent of fatalities.

On page 4, the graph shows Clark County totals for bike/pedestrian fatalities from 2005 to 2010. The number of such deaths in Washoe and other counties is so low I presented a graph with Clark County's larger numbers. Page 5's graph shows Nevada pedestrian fatalities by age. People ages 35 to 54 are the largest number of fatalities. As Ms. Krall stated, this is not a children's bill.

On page 6, the graph shows bicycle fatalities by age; again, the group age 35 to 54 dominates. Page 7 lists Nevada traffic-fatality trends on average. Pedestrian fatalities comprise 15 percent, and bicycle fatalities comprise 8 percent of total fatalities. Eighty percent of fatalities occur in Clark County, and the average age of fatalities is 35 to 54. Since 2006, the trend has been increased pedestrian fatalities with bicycle fatalities remaining essentially flat.

SENATOR MCGINNESS:

Is the reckless-driving charge mainly failure to yield, or is the charge at the officer's discretion?

MS. KRALL:

If the severity—or death—of pedestrians and cyclists injured by cars does not rise to the NRS definition of substantial bodily harm, drivers are not charged with reckless driving. Drivers are usually cited at the scene of the incident, even though, as in Mr. McAfee's case, the extent of victims' injuries is not known for a while.

ARTHUR (A.J.) DELAP (Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department):

The driver is charged at the officer's discretion, based on the level of injury perceived in the field. If the injury is substantial, an officer will treat it like a potential fatality. The officer and responding emergency medical personnel have a good idea as to how it will go. We will then call out the fatal-incident detectives and additional officers. If it is just a roadway injury, the driver will most likely get a citation, based on the responding officer's experience and training.

DEAN DEMING

I will read from my prepared testimony ([Exhibit I](#)). I am a resident of Reno. I will describe three incidents that occurred while I was riding my bicycle in traffic.

Three years ago, I was riding down Skyline Drive when the hairs on the back of my neck stood up, and I had the intuition to turn around. A man holding a shovel was hanging out of the window of a truck and getting ready to hit me. I started to brake, turned my head and stared down the man. He pulled the shovel back, and the truck sped off. I tried to follow it to get a license plate number, but I failed. It was a very scary moment.

Another time, I was riding on McCarran Boulevard's wide shoulder. I always ride to the far-right side of shoulders to present a smaller target. From out of nowhere, a car hit me. I was knocked off my bike into the dirt, and the several people who pulled over thought I was dead. The driver of the car that hit me said he had sneezed and swerved; I think he was actually texting or talking on a cell phone. Officers and an ambulance responded to the incident.

The driver who struck me was sincerely worried about my condition. I was still coherent and able to interact with him. The officer asked if I wanted to press charges, but I declined because the driver was genuinely distraught and had not intended to hit me.

The third incident really pertains to A.B. 328. I was riding in Verdi, where there is a right turn after you descend a hill. The shoulder extends into the road such that the turn is very tight. As I approached the turn, I heard an engine revving behind me. A gold Lexus sport utility vehicle (SUV) came up on my left, while a car on the other side of the road waited to proceed through the intersection. That driver accelerated out of the way of the woman driving the SUV as she cut me off and almost hit him. I vividly remember she turned the steering wheel as she looked at me.

I veered off into the shoulder, and although extremely rattled, did not fall. I got back on the street and followed her to her house after she looped through her neighborhood, clearly postponing going home. I stopped on the street in front of her house, and as she got out of the SUV, asked, "What was that about?" She yelled cyclists had no right to take up a lane and that she would make every effort to make sure we knew it.

Using my cell phone, I called the Washoe County Sheriff's Department. The responding officer asked if I was at the woman's home. I said, "Yes, this is the address I gave to dispatch, this is where I saw her, her vehicle is here in driveway, and she went into the house." He said, "I'm sorry. She is not in her vehicle, so there is nothing I can do." I asked, "Are you kidding me? What if I were dead on the side of the road? What would you do then?" He told me I could file a report, but admitted it would probably not do me any good. I later found out the officer was absolutely in the wrong and could and should have cited the driver.

Cyclists already feel vulnerable enough without not being taken seriously. I was a sweaty, skinny guy in Lycra talking to the officer, who wrote me off. Cyclists are a target on the road for drivers who have had a bad day and want to vent their anger. This bill would raise awareness and increase the consequences—intentional or not—of hitting cyclists. The bill would go a long way to get people to think twice before they hit cyclists.

TIMOTHY G. ROWE (Member, Alta Alpine Cycling Club; Lake Tahoe Bicycle Coalition; League of American Bicyclists; Muscle Powered—Citizens for a Bikeable and Walkable Carson City; Bicycle Advisory Board, Nevada Department of Transportation):

I will read from my prepared testimony ([Exhibit J](#)), and you have a letter of support from the Bicycle Advisory Board, Nevada Department of Transportation (NDOT), for A.B. 328 ([Exhibit K](#)). I live in Carson City and have been an avid cyclist for 23 years. This bill would increase safety for bicyclists and pedestrians statewide. It could add to drivers' education and awareness and act as a deterrent to accidents involving vulnerable highway users. My 8-year-old son is just learning how to ride his bike safely, and this bill could give him and others a small amount of extra protection.

KELLY CLARK (Board Member, Muscle Powered—Citizens for a Bikeable and Walkable Carson City):

I will read from my prepared testimony ([Exhibit L](#)). I am a Carson City cyclist, and my volunteer group is for people who bike and walk to enjoy better health and a cleaner environment. I support A.B. 328 as a co-drafter of the "Vulnerable Highway Users Bill." Our intent in drafting the bill was to enhance safety for pedestrians and cyclists, enact stiffer penalties for motorists who strike them and enhance education for motorists and vulnerable users.

We must create a real awareness of the problem we have in this State of drivers not seeing vulnerable users. Both times when I was hit by cars, I was riding legally, traveling to the far right with the traffic stream. I was seriously injured once. Anyone who has ridden bikes for any length of time has been threatened, and many have been hit by motorists.

There must be higher penalties for motorists who behave recklessly in regard to vulnerable users. The imbalance between the mass of a car and those users is just too great, and injuries are too severe to cyclists and pedestrians. In the Pedestrian Traffic Fatalities by State 2010 Preliminary Data, released by the

Governors Highway Safety Association, Nevada is cited again and again. These are not positive citations. They report ways pedestrians have been killed in our State in terrible situations, including a young man in a school crosswalk. He was killed by a truck driver who said, "I thought the boy would stop."

Forty-one Nevada pedestrians were killed in 2010. The problem has been identified as a critically important issue in the Strategic Highway Safety Plan (SHSP) issued by NDOT. This bill would support implementation of and give "teeth" to the SHSP. The road environment for cyclists is very threatening, and this bill could extend a safety net so cyclists have a little protection.

Officers need clear guidelines about when citations can be issued, and this bill would do that. Motorists must understand the fragility of the human body. The bill states that when motorists do strike vulnerable users, they can be cited for reckless driving. Under NRS, drivers can run a crosswalk and kill a pedestrian yet receive a fine of just \$192. That is insufficient. We must provide higher penalties and use the new law to educate others about how Nevada is serious about protecting cyclists and pedestrians.

ERIN BREEN (Director, University of Nevada, Las Vegas Safe Community Partnership):

You have my prepared testimony ([Exhibit M](#)). The University of Nevada, Las Vegas Safe Community Partnership (UNLVSCP) is dedicated to lessening the burden of traffic-crash fatalities and injuries for all Clark County road users. I chair the SHSP Pedestrian Safety Committee.

Most importantly, I am a pedestrian. In the U.S. Southwest, the car is king, and plentiful, wide, flat streets are built for speed and comfort—if you are in a vehicle. That environment is anything but comfortable for pedestrians. I am a pedestrian-safety advocate, a badge I wear with pride. I have had many heated battles with traffic engineers urging them not to forget alternative users when planning new or improving existing roads. I try to see both sides of the issue before I complain about a specific road treatment or lack thereof.

I understand it is critically important to our quality of life to keep traffic moving. However, our lives are greatly diminished if we must get into vehicles to take simple trips that are walkable or bikeable because we fear for our lives when not protected by the steel reinforcement of our cars.



We have made huge strides in pedestrian safety across the State, especially in Clark County, and pedestrian and cyclist fatalities and injuries have fallen. This bill would enable us to have much sharper “educational teeth” to underscore the importance of watching out for alternative road users.

In 2010, I was contacted by a newspaper reporter who had interviewed me many times about pedestrian safety. He had just received the State pedestrian-fatality figure and told me. “Nevada ranks 11th in the Nation. What can you say about that?” He was shocked when I yelled in excitement and then told him, “It is all in your perspective. This is the first time in 15 years we have been out of the top 10.” In most of those years, Nevada ranked in the top five for pedestrian fatalities per capita; we were number one in 1999. This is another list the State would rather not top—and certainly one about which we do not want tourists to know.

Pedestrian fatalities rose in 2010, which will probably place us back in the top ten. Clark County pedestrian fatalities have dropped. But, between the struggling economy and high gas prices, alternative road users will increase, as will the dangers facing them.

The approach to saving pedestrians’ lives must be a multifaceted. Engineers are moving forward rapidly to assist pedestrians to cross streets safely. Nevada law enforcers look at this problem seriously enough to allocate overtime funding to patrolling high-crash zones, with deputies looking for lawbreaking pedestrians and motorists. The ULVNSCP has done many education campaigns for all age groups.

The Regional Transportation Commission of Southern Nevada (RTC SNV) and Regional Transportation Commission of Washoe County have finished or are completing pedestrian-safety action plans. They have planned specific efforts to improve walking and cycling safety. None of these efforts are enough if those driving in their comfortable couches continue to ignore vulnerable users.

Motorists teach pedestrians how to behave. I have asked pedestrians why they crossed streets 30 feet out of crosswalks at intersections. The repeated answer is, “Because that way I control my destiny, not the person running a red light or making right turns while looking left for traffic but not to the right for me.”

We stage annual education campaigns for red-light running at major Clark County intersections, posting "Stop on red" signs. Fifteen to twenty officers join us to further that message. Every year, I am amazed with that many deputies around, people still almost run us over in crosswalks. We are in such a hurry, and our disregard of anyone not in a vehicle, thus making it a "fair fight," is blatant.

The average Clark County road speed is 53 miles per hour (mph). Eighty-five percent of people hit by a vehicle going 20 mph survive. Eighty-five percent of people hit by a vehicle going 40 mph die. The only possibility to reduce the number of deaths is an adequate penalty to force drivers to pay attention. Nevada has many of the right things in place; yet we consistently refuse to take responsibility for looking out for vulnerable users.

By not yielding to pedestrians, drivers teach them there is no reward for doing the right thing. Why should someone get off a bus and cross back to an intersection or forward to a mid-block crosswalk if no one will stop? After a few times, pedestrians are conditioned not to make the effort. They cross where it is convenient, rendering themselves unpredictable to drivers and a danger to all road users. Vehicles that must slam on their brakes, swerve or slow down are hazards to all road users.

The saddest part of my job is working with parents who have lost children in crashes. A 12-year-old boy was walking from his middle school to pick up his brother at an elementary school. The older boy got to the intersection of Bonanza Boulevard and Eastern Avenue, pushed the crosswalk button and waited to cross with his books and backpack in one hand and French horn in the other. When the "walk" light came on, he stepped into the crosswalk and was immediately hit in the second lane by a Republic Services truck turning right onto Eastern Avenue. The boy died instantly. The next day, the photograph on front of the newspapers' Nevada section was of his flattened French horn. The driver said, "I saw the boy but thought he would stop for me."

That story sparked efforts to establish a misdemeanor vehicular manslaughter law in Nevada. The effort was not because we want those who make mistakes to be jailed, but because we want justice for loved ones left behind. That truck driver received a \$190 fine for failing to yield.

To get drivers' attention, I would like to see a serious consequence for striking vulnerable users. The threat of fines, community service, prison or loss of driver's licenses should be enough to get their attention. I would like to have families never see the people who killed their loved ones face justice because then the crash never would have happened. Assembly Bill 328 has the potential to save lives by making streets safer. It could be an educational tool to remind drivers of the role they play in pedestrian and bicycle safety. As the law states, it is incumbent upon drivers to see that which is there to be seen. Simply stating, "I did not see that person," is not an excuse for hitting an alternative road user. In the last 5 years, 284 pedestrians have been killed on Nevada roads—and those were the good years.

I support Senator Lee's friendly amendment to include penalties in the bill for hitting people waiting in bus shelters. The bill's definition of a crosswalk does not need to include paint on the pavement; a crosswalk is anywhere streets intersect. That needs to be added to the definitions.

SENATOR SCHNEIDER:

What are California's crosswalk laws? As soon as you put your foot off of the curb, drivers screech to a halt. If you step into the street in Nevada, drivers accelerate to try to score points for hitting you. What are Boulder and Denver doing to promote cycling? When they have Bike To Work Day, 40,000 to 50,000 people participate, and the cities give them free bagels and coffee. Here, bicycle commuters are targets.

MS. BREEN:

Part of the difference is California and Colorado have different road-sharing laws. California recently stiffened its pedestrian laws, and it would be lovely if Nevada followed suit. Another difference is drivers' perception. The perception in California is you will get a ticket if you do not yield to pedestrians or cyclists. Californians who come to Clark County are amazed by how much we slow down in school zones. The perception there is you will get a ticket if you speed in a school zone. Another factor is the availability of deputies to enforce laws. Nevada's pedestrian verbiage needs to be cleaned up so it is easier to enforce laws.

Many Clark County residents participate in its Bike to Work Day. We need them to bike to work every day. If the perception is you take your life into your hands

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every time you walk or ride in some areas of Las Vegas, you are less likely to be an alternative road user. We would like to change that.

SENATOR MANENDO:

The bill's section 13, subsection 1, paragraph (c) refers to "marked or unmarked crosswalks." We may not have to change that language. It seems as if more people are participating in southern Nevada public-safety events.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I welcome any amendments that may advance public policy.

JAMES KIMSEY (Member, A Brotherhood Active Towards Education; Southern Nevada Confederation of Clubs):

I support all three bills on today's agenda. I am a lifetime member of A Brotherhood Active Towards Education (ABATE) and a member of the Southern Nevada Confederation of [motorcycle] Clubs. Assembly Bill 328 does not include motorcyclists or moped riders. A Las Vegas Metropolitan Police Department officer was recently injured in a motorcycle crash when a driver failed to yield and did a U-turn in front of him. That is reckless driving. Most motorcycle or moped fatalities are caused by other motorists, rather than by the motorcycle or moped operators.

CHAIR BREEDEN:

We will close the hearing on A.B. 328 and open the hearing on Assembly Joint Resolution (A.J.R.) 6.

**ASSEMBLY JOINT RESOLUTION 6**: Requests that Congress and the Federal Highway Administration designate a portion of U.S. Route 93 as an interstate highway. (BDR R-171)

ASSEMBLYMAN KELVIN D. ATKINSON (Assembly District No. 17):

You have my prepared testimony ([Exhibit N](#)). A subcommittee was formed to examine the issues in A.J.R. 6 within the interim study on "Development and Promotion of Logistics and Distribution Centers and Issues Concerning Infrastructure and Transportation" during the 2009-2010 Interim. This is the fourth version of this bill. The study's main purpose was to examine ways to further Nevada's development as a center for logistics and distribution.

An important issue considered was the quality of the State's transportation system and its relationship to economics. Nevada's two main metropolitan areas, Las Vegas and Reno, are near many West Coast markets and well-positioned to become logistics hubs. U.S. Interstate Highway 15 in southern Nevada is the only interstate connecting Las Vegas to the major metropolitan areas of California and Utah.

For Las Vegas to continue to develop as a logistics and distribution center, we need more transportation options. An interstate highway from Las Vegas to Phoenix would allow Las Vegas to remain competitive and foster economic development. Assembly Joint Resolution 6 urges the U.S. Secretary of Transportation to designate U.S. Highway 93 (U.S. 93) between Las Vegas and Phoenix as U.S. Interstate Highway 11 (I-11). The proposed I-11 would run from the Mexican border to Las Vegas then through Reno to the Canadian border. It would not only connect Las Vegas to Phoenix, but it would serve as a new, major transportation route in the western United States.

This is exactly the kind of transportation infrastructure needed by Nevada to spur its development as a hub for logistics and distribution. U.S. Interstate Highway 11 would also provide additional economic opportunities in tourism, recreation and manufacturing.

JACOB SNOW (General Manager, Regional Transportation Commission of Southern Nevada):

You have a copy of my PowerPoint presentation ([Exhibit O](#)) on the need for I-11, which you have previously viewed. We have had several daylong traffic-backup events on U.S. 93 through Henderson, Las Vegas and Boulder City since the opening of the Mike O'Callaghan-Pat Tillman Memorial Bridge over Hoover Dam (the Dam). The backups have been from the Dam up into Henderson and also caused by traffic coming from Arizona. This sends the message to tourists from Arizona that Nevada is closed for business.

The corridor has become unreliable from a transportation standpoint because only one lane goes each direction from the Dam to Boulder City. We are grateful NDOT is finishing plans to widen that road to two lanes each direction. However, the traffic lights at Buchanan Boulevard and Veterans Memorial Drive in Boulder City will continue to be choke points until we build I-11. That is a priority for the RTCNV board of directors and should be so for the Committee.

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TOM SKANCKE (Executive Director, I-11 Alliance-CAN-DO Coalition):

This resolution is critical to the long-term sustainability and economic diversification of southern Nevada.

MICHAEL DAYTON (Vice President, Government Affairs Group, McDonald Carano Wilson; NAIOP Commercial Real Estate Development Association; Nevada Hotel and Lodging Association):

You have my prepared testimony ([Exhibit P](#)) in support of A.J.R. 6. Assemblyman Atkinson worked very closely during the 2010 interim on the resolution with the NAIOP Commercial Real Estate Development Association (NAIOP) and the Nevada Hotel and Lodging Association. From a commercial real estate perspective, NAIOP supports connecting the Phoenix and Tucson markets with those throughout the Southwest to Mexico's Pacific ports and the east-west highway corridors across the Nation.

Construction of I-11 will enhance Las Vegas' position as a logistics and distribution hub. The Phoenix-Tucson area and entire Southwest is an important tourism market. This interstate would benefit both tourism and the commercial real estate market in southern Nevada.

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CHAIR BREEDEN:

We will close the hearing on A.J.R. 6. Seeing no further business before the Senate Committee on Transportation, I adjourn this meeting at 5:12 p.m.

RESPECTFULLY SUBMITTED:

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Patricia Devereux,  
Committee Secretary

APPROVED BY:

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Senator Shirley A. Breeden, Chair

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

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance roster
A.B. 277	C	Assemblyman Elliot T. Anderson	Prepared testimony
A.B. 277	D	Luana Ritch	Prepared testimony
A.B. 323	E	Assemblywoman Teresa Benitez-Thompson	Prepared testimony
A.B. 323	F	Terry McAfee	Prepared testimony
A.B. 323	G	Melissa Krall	Prepared testimony
A.B. 323	H	Laurie Anne Grimes	Department of Public Safety handout
A.B. 323	I	Dean Deming	Prepared testimony
A.B. 323	J	Timothy G. Rowe	Prepared testimony
A.B. 323	K	Timothy G. Rowe	Letter of support from the Bicycle Advisory Board
A.B. 323	L	Kelly Clark	Prepared testimony
A.J.R. 6	M	Erin Breen	Prepared testimony
A.J.R. 6	N	Assemblyman Kelvin D. Atkinson	Prepared testimony
A.J.R. 6	O	Jacob Snow	PowerPoint presentation "Interstate 11"
A.J.R.6	P	Michael Dayton	Prepared testimony