

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

**Seventy-Seventh Session
February 28, 2013**

The Committee on Transportation was called to order by Chairman Richard Carrillo at 3:23 p.m. on Thursday, February 28, 2013, 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](#)), 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 nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Richard Carrillo, Chairman
Assemblyman Joseph M. Hogan, Vice Chairman
Assemblywoman Maggie Carlton
Assemblywoman Lucy Flores
Assemblyman John Hambrick
Assemblyman Crescent Hardy
Assemblyman James W. Healey
Assemblywoman Ellen B. Spiegel
Assemblyman Michael Sprinkle
Assemblywoman Heidi Swank
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

Assemblyman Paul Anderson (excused)
Assemblyman David P. Bobzien (excused)
Assemblyman Steven Brooks (excused)
Assemblywoman Melissa Woodbury (excused)



GUEST LEGISLATORS PRESENT:

Assemblyman Harvey J. Munford, Clark County Assembly District No. 6

STAFF MEMBERS PRESENT:

Vance Hughey, Committee Policy Analyst
Jacque Lethbridge, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Eric Spratley, Lieutenant, Legislative Services, Sheriff's Office,
Washoe County
Paul Villa, Board of Directors, Reno Police Protective Association
Luke Andrew Busby, representing the Nevada Bicycle Coalition
Anne Macquarie, representing Muscle Powered: Citizens for a Walkable
and Bikeable Carson City
Terry McAfee, representing the Nevada Bicycle Coalition
Troy Abney, Chief, Nevada Highway Patrol, Department of Public Safety
Ernest E. Adler, representing the Northern Nevada Confederation of Clubs
Mark C. Wenzel, representing the Nevada Justice Association
Tom Greco, Assistant Director, Planning, Department of Transportation
Ismael Garza, Assistant Chief, Traffic Operations, Nevada Department
of Transportation
Jesse Holder, Private Citizen, Las Vegas

Chairman Carrillo:

[Committee protocol and rules were explained. Chairman Carrillo read Rule No. 54, Testimony, Witnesses and Exhibits, from "Excerpts of the Assembly Standing Rules, 77th Session (2013)."] I would like to recognize Assemblyman Hambrick's wife of 47 years, Nancy. Thank you for visiting us today. The Committee members have a follow-up handout from the Nevada Department of Transportation (NDOT).

BDR 43-1086—Provides for the issuance of special license plates to advance the research, early detection and treatment of neurological diseases. (Later introduced as [Assembly Bill 189](#).)

ASSEMBLYWOMAN SPIEGEL MOVED TO INTRODUCE
BDR 43-1086.

ASSEMBLYWOMAN FLORES SECONDED THE MOTION.
THE MOTION PASSED. (ASSEMBLYMEN PAUL ANDERSON,
BOBZIEN, BROOKS, AND WOODBURY WERE ABSENT FOR
THE VOTE.)

Chairman Carrillo:

We will open the hearing on Assembly Bill 117.

Assembly Bill 117: Revises provisions governing rules of the road.
(BDR 43-566)

Assemblyman Michael Sprinkle, Washoe County Assembly District No. 30:

I am presenting A.B. 117 for Committee consideration. Assembly Bill 117 allows a motorcyclist, bicyclist, or other lightweight vehicle to make a left-hand turn against a red light. When these vehicles get into a left-hand turn lane at a stop light they are too light to trigger the sensors in the ground. They may sit through two to five stoplights waiting for the signal to turn. If it does not, eventually they are forced to back up and leave the intersection or run the red light. More and more often, you see video cameras doing the sensing as opposed to sensors in the ground. Nevada does not have money to invest in infrared sensing cameras, which would be about the only way you could sense heat at the stop light. Video cameras can be blocked because of weather or if it is dark. During warmer weather, people will still ride their motorcycles to and from work or other places in the middle of the night.

Eighty-three percent of fatal or near fatal accidents with bicyclists happen within intersections, as opposed to on any other part of the road. This does become a safety issue, and that is what caused me to bring this bill to the Transportation Committee.

This bill also helps clarify who is at fault and makes investigation easier if an accident does occur. The amendment I am proposing clarifies that even more than the original language. The amendment does not change the intent of the bill. Eleven other states already have similar laws. My bill came from Kansas and initially mirrored their language.

Section 2, subsection 7, paragraph (d) (Exhibit C) states that after making a complete stop, "A person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle facing the signal may proceed straight through or turn right or left if ..."

One of the amendments I put into this bill was that they need to wait for two complete cycles of the signal. I did that so if they came upon a signal that was already in the cycle rotation, they need to wait a complete second time to make sure the sensors were not picking them up. Some of the other statutes I had seen in other states had language such as "waited a reasonable amount of time." When you start talking about liability, the key to this is that they must yield the right of way. Any approaching traffic has the right of way. Any pedestrian has the right of way. If they do not yield the right of way and get into an accident, that immediately spells out the liability. The amendment makes that even clearer, especially when we are talking about potential civil litigation.

Subsection 8 says the same thing as subsection 7. It all comes down to safety for the motorcyclist and bicyclist, and for other motorists who no longer need to worry about a motorcyclist, bicyclist, or other lightweight vehicle trying to dart through and intersection that is dangerous for them with a signal that will not change for them.

Assemblywoman Carlton:

Is it the weight of the motorcycle, bicycle, trimobile, or is it the sensor?

Assemblyman Sprinkle:

It could be both. It was originally brought to my attention that the sensors were not picking up the weight of the vehicles. However, when you are talking about video cameras, it is not a weight issue. The problem is, regardless of the reason, with these vehicles the green turn arrow is not being triggered. The signals are continuing to go through cycle after cycle and not sensing there is a motorcyclist or bicyclist waiting to make that turn.

Assemblywoman Carlton:

Is somebody going to be testifying on the actual traffic signals or the systems that we use? Some are based on weight and some are based on the electromagnetic field that is generated by the vehicle being in that turn lane.

Assemblyman Sprinkle:

No, not that I am aware.

Assemblyman Hambrick:

How long have you been in emergency medical services (EMS)?

Assemblyman Sprinkle:

I have been in the EMS profession for more than 24 years.

Assemblyman Hambrick:

In that time, have you ever seen an adverse action for anything like this?

Assemblyman Sprinkle:

I have been on plenty of vehicle versus pedestrian, motorcycle, or bicycle accidents in intersections. That is what led me to sponsor this bill.

Assemblywoman Flores:

Is it accurate to say it would turn every light into a yield?

Assemblyman Sprinkle:

Yes, the motorcyclist or bicyclist does need to meet those requirements, including coming to a complete stop and waiting for two complete cycles of the signal. They are yielding just as they would if they were to come to a stop sign in a vehicle or on a motorcycle or bicycle and choose to make a right-hand turn.

Chairman Carrillo:

In Las Vegas, we have flashing yellow arrows, which caution you for making a left-hand turn. Anybody that is at an intersection with a yellow flashing arrow must still look and be cautious about going through that intersection.

Assemblyman Sprinkle:

Not every stoplight in Nevada has the flashing yellow arrows. I do not know when every intersection in Nevada will have flashing yellow arrows. Until then, these situations are still going to occur. This bill does require that motorcyclists come to a complete stop first, then clear that intersection before proceeding. When there are people behind me at that flashing yellow light, there is an expectation I am going to proceed into the intersection.

Chairman Carrillo:

Until that happens, they would still have to wait through two cycles and confirm there is nobody going through the intersection.

Assemblywoman Carlton:

I know there is a letter of support from one of the law enforcement groups. There are going to be some people who will not wait for a whole cycle. There will be motorcyclists who know they can make a left-hand turn on a red arrow and they are going to pull up and make a left hand turn. How do we enforce something as subjective as this? When they are pulled over, they are going to say the light did not change.

Assemblyman Sprinkle:

I am happy to have multiple law enforcement agencies come up and answer that question directly. The bill does say specifically they must wait for two complete cycles of that light. The police officer must be able to witness and testify to that. If an accident occurs, regardless of whether they pulled up for two seconds and moved or waited for the two cycles, the way the amendment and bill are written, liability is still on the person who is on the bicycle or motorcycle.

Assemblywoman Carlton:

Even if they were in the right, they are still going to bear the liability.

Assemblyman Sprinkle:

They are still going to be under liability because they must yield the right of way to any approaching traffic or pedestrians.

Chairman Carrillo:

You might want to look at an amendment to delete the two cycles. If we have to worry about law enforcement seeing the cyclist wait through two cycles, and it is just a solid red light, is it taken out of the equation? Am I correct?

Assemblyman Sprinkle:

It is important to wait through the two cycles giving enough time for the signal to work. That was the initial intent of this bill. It is not the intent of this bill to give the motorcyclist or bicyclist the right to pull up to a stoplight and treat it as though it were a stop sign.

Chairman Carrillo:

It has to be witnessed by a law enforcement officer to see that the cyclist went through two cycles. The law enforcement officer may not know you already sat through one cycle. How do we know the cyclist has gone through the two cycles? Is that something that we need to look at? If that seems to be a sticking point for some people, we could amend it out. I understand why you put it in. Ultimately it is going to be splitting hairs with law enforcement agencies throughout Nevada.

Assemblyman Hardy:

Based on my involvement in the construction end of things, these are magnetic fields. The field is generally 25 to 45 feet back. I have never put one in that was a weight sensor. Perhaps composite vehicles are not being sensed. What happens if a driver follows a bike through the intersection? Who has liability for that? Does that increase the danger to other motorists? If you are

sitting there through two lights, it must be a slow intersection if somebody else has not pulled up and crossed that field.

Assemblyman Sprinkle:

In my research with other states that have this law, I have not found this to be an increased liability. The way I understand this, if somebody were to follow a bicyclist or motorcyclist through the intersection and be in an accident, that driver is still breaking the law. The liability is with the person who broke the law, which is the vehicle behind the motorcycle or bicycle. If the sensors are working properly, this is not an issue.

Assemblyman Wheeler:

When you are in larger cities where there is constant traffic in all directions and you pull up to that light, what do you do? Do you sit there because you cannot make that left turn?

Assemblyman Sprinkle:

In those situations, if they do not have the ability to yield the right of way to cross traffic, which they must do, then yes, maybe they sit there. It is about safety. There are intersections in Las Vegas that are busy. There are ordinances that cities can put up to counter what I am trying to do with this bill. The intent of the bill is that they have to be safe in making the left-hand turn. If there is anybody approaching, they must stay where they are.

Chairman Carrillo:

Are there any questions from the Committee members? [There were none.]
Anyone wishing to speak in support of A.B. 117?

Eric Spratley, Lieutenant, Legislative Services, Sheriff's Office, Washoe County:

After conversations with Assemblyman Sprinkle, I am here to provide a law enforcement perspective on this bill and to express support of A.B. 117. My colleagues from Metro and the Nevada Sheriffs' and Chiefs' Association (NvSCA) had a business meeting of NvSCA all day today so they could not be in attendance with me. As a 21-year veteran of public service with the Washoe County Sheriff's Office I have had numerous occasions to clear up congestion in intersections due to malfunctioning traffic signals or traffic signals that would not register motorcycles, especially during my seven years as a traffic cop on a motorcycle. [Continued to read from written testimony ([Exhibit D](#)).]

I was of the belief they were weight sensors when I first started riding and then someone told me they were electromagnetic. Therefore, I would rev the motorcycle, turn on my radar, turn on my lights, and try any electric thing I could get going to get the sensors to go. There are certain intersections where

it just will not happen. I have driven onto circles cut in the pavement, parked and done all kinds of tactics to get lights to register the motorcycle. Just know that at certain intersections it will not happen. [Continued to read from [\(Exhibit D\)](#).]

Other motorcycle or bicycle riders do not have that luxury. They are stuck sitting there, trying to figure it out, or they make some kind of maneuver trying to get out of the intersection. Several times a year, especially in the spring when bicycles and motorcycles start going out heavily, I would come upon a congested turn lane to find a bicycle or motorcycle at the head of the line and the signal not registering. I understand the sensors go back several feet and I cannot explain why they would not register. I would enter the intersection and stop everyone to clear the travel lane so people could get on their way.

Bicycle riders will ride along the white line of the left-hand turn lane hoping a car will come alongside them and set off the sensor so they can proceed through the intersection. There is a new campaign to give bicycle riders three feet of room. I have seen the anomaly of cars not coming near the bicycles. You have the bicyclist sitting there, the car sitting a little too far back, and the sensors are not working. This bill attempts to alleviate that as well. It gives the cyclist the option to proceed if they see fit.

While I feel this bill seems controversial at first, it is in fact just common sense. [Continued to read from written testimony [\(Exhibit D\)](#).] There are going to be intersections where the local municipality can post signs that this law does not apply to this intersection. I am familiar with several intersections in Reno where you cannot turn right on a red light.

Law enforcement officers can enforce laws that they see violated. If we can see far enough down the road, see a motorcycle come up to the intersection, look left, look right, and go through, I can tell if they sat through two cycles of the light. I would write them a citation and go to court to testify to that. If my light is red and I can tell that they possibly went through a red light, but I do not know if they waited through two cycles, I am not going to make a stop. [Continued to read from written testimony [\(Exhibit D\)](#).]

Chairman Carrillo:

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

Paul Villa, Board of Directors, Reno Police Protective Association:

This bill is a common sense measure that addresses situations that may occur rather infrequently and allow some relief for the motorcyclist and bicyclist who encounter this situation. It does so without absolving them of any liability.

You have the position paper ([Exhibit E](#)) from the Peace Officers Research Association of Nevada.

Chairman Carrillo:

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

Luke Andrew Busby, representing the Nevada Bicycle Coalition:

We support Assemblyman Sprinkle's legislation. We think it provides a method of compliance for cyclists who want to follow the rules but cannot due to the mechanics of how lights work. Cyclists want to stay out of the way of cars. When there is a collision between cyclists and cars, cyclists are always the loser. Cyclists do not trigger the magnetic field, therefore they could theoretically be stuck in an intersection for a long time. If there is no other way around it, you are forced to break the law. If a cyclist knows this law and breaks it then they deserve a citation. If this law is passed, we will do our best to spread the word throughout our organization.

Chairman Carrillo:

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

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

Good afternoon. My name is Anne Macquarie. I am a member of and the board secretary of Muscle Powered: Citizens for a Walkable and Bikeable Carson City. We advocate for better conditions for bicycling and walking in Nevada's capital city. [Continued to read from written testimony ([Exhibit F](#)).]

Chairman Carrillo:

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

Terry McAfee, representing the Nevada Bicycle Coalition:

Mr. Chairman, thank you for the opportunity to speak. My name is Terry McAfee. I am President of the Nevada Bicycle Coalition, a statewide organization dedicated to promoting safe bicycling in Nevada. [Continued to read from written testimony ([Exhibit G](#)).]

This is a common problem for bicyclists. I ride at lunch and often have this situation occur. Bicyclists who I am in touch with find this very frustrating. Assembly Bill 117 allows us to do what most safe bicyclists do when they get into this situation, which is stop, yield, determine if they waited long enough to decide that the signal is not going to change in their favor, and then go ahead.

Chairman Carrillo:

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

Troy Abney, Chief, Nevada Highway Patrol, Department of Public Safety:

I had 28 years of experience with the California Highway Patrol prior to assuming my position here. While assigned to the California State Capital for four years, I did have the privilege of riding patrol bicycles in downtown Sacramento. During the course of that assignment, I ran into situations that have been described here by my law enforcement colleagues and by Assemblyman Sprinkle. I did have the advantage to move through as necessary. Fifteen years ago it was a recognized problem. I will not restate any of the facts or information presented by my law enforcement colleagues. I do believe this would be a viable law in the State of Nevada. I am here today on behalf of the Department of Public Safety and the Nevada Highway Patrol to support the bill as written.

Chairman Carrillo:

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

Ernest E. Adler, representing the Northern Nevada Confederation of Clubs:

I represent the Northern Nevada Confederation of Clubs and other motorcycle associations. This bill is very important for many motorcyclists, especially ones that use motorcycles for commuting. There is a man who works as a warehouseman in Sparks who has to go to work at 3 a.m. Every day he comes to the same stoplight, has to wait a little while, and then run the red light to get to work. This is a major problem for people who use motorcycles for commuting. A man contacted me from Las Vegas and said he had a situation where he came up to a light that would not change. It was about 110 degrees out and he had on a padded jacket and helmet. He said he almost passed out waiting for something to happen with the light. He ran the red light to get out of the sun. In Portland, Oregon, they have a mat type of device for motorcyclists and bicyclists to trip to cross intersections. Those cost a fair amount of money. This bill is probably a simpler solution to that same problem.

Chairman Carrillo:

Are there any questions from the Committee members? [There were none.] I met you at a function in Las Vegas and witnessed the lights you were talking about that actually detected the infrared and were able to see the bicyclist and pedestrian. I can see the expense of that would prevent them from being used statewide.

Mark C. Wenzel, representing Nevada Justice Association:

I had the opportunity to discuss this bill with Assemblyman Sprinkle. I am confident, as is my organization, this will address a public safety issue by taking motorcyclists and bicyclists out of harm's way. With the amendment that clarifies the liability component, we are convinced we should be in support of A.B. 117.

Chairman Carrillo:

Are there any questions from the Committee members? [There were none.]
Is there anyone wishing to testify as neutral on A.B. 117?

Tom Greco, Assistant Director, Planning, Department of Transportation:

After our safety staff did research, we determined there is not enough data to conduct before and after studies. In 2010, the Virginia Department of Transportation did a study reporting that nine states would prefer a technical mitigation to a legislative mitigation. They would prefer that the engineering of the detection device not working be improved rather than dealing with a legislative redirection of the laws.

Assemblywoman Spiegel:

There are flashing yellow lights in Clark County, Henderson, and parts of Las Vegas. Have there been any traffic accidents from cyclists who have taken advantage of those lights to turn left?

Tom Greco:

I am not knowledgeable enough to answer that specifically. There is a learning curve for motorists with any new device, be it a roundabout or a traffic light.

Ismael Garza, Assistant Chief, Traffic Operations, Nevada Department of Transportation:

The flashing yellow arrow is somewhat new to Nevada although it has been used in other parts of the country for 10 or 20 years. We do not have enough experience to know if that is going to be an issue.

Chairman Carrillo:

Are there any questions from the Committee members? [There were none.]
Is there anyone who wishes to speak in opposition to A.B. 117? [There was no one.]

Assemblyman Sprinkle:

I want to thank the Committee for listening to all of the testimony. I am available to answer further questions if you have them.

Chairman Carrillo:

We will close the hearing on A.B. 117. We will open the hearing on Assembly Bill 123.

Assembly Bill 123: Prohibits certain pedestrians from manually typing or entering text into a cellular telephone or other handheld wireless communications device while crossing a highway. (BDR 43-489)

Assemblyman Harvey J. Munford, Clark County Assembly District No. 6:

I am presenting Assembly Bill 123 for Committee consideration. Nevada took a significant step toward making our highways safer from the hazards of distracted drivers by passing Senate Bill No. 140 of the 76th Session. This law made it illegal for a driver to use handheld wireless communication devices while driving. I believe it is important that we take the next step. Assembly Bill 123 makes it illegal for a pedestrian to text or engage in other nonvoice communications on a handheld device while crossing a highway.

Assemblywoman Flores:

There was no clarification in this bill as to what highway meant. When I think of a highway, I think of U.S. Highway 395 and I do not envision anyone walking across those roadways. Is that your intention or was your intention some other type of roadway or a sidewalk?

Assemblyman Munford:

What I was primarily focusing on was texting on the main artery streets such as Flamingo Road, Tropicana Avenue, and Charleston Boulevard in Las Vegas.

When we think of traffic accidents, we tend to focus on vehicular crashes and the personal economic losses they cause. Vehicular crashes are not the only dangers on our highways. Vehicle versus pedestrian accidents injure 60,000 and kill 4,000 people every year in this country. Increasingly, pedestrians distracted while using mobile devices are contributing to many of these traffic statistics. A study by the Harborview Injury Prevention and Research Center at the University of Washington in Seattle found that nearly one in three people crossing the street at high-risk intersections are distracted by the use of mobile devices. Only one in four pedestrians follow the full safety routine of looking both ways, obeying the lights, and crossing at the appropriate point. The study found that texting was very popular and particularly dangerous. Texters are four times less likely to look both ways before crossing, obey traffic signals, or cross at appropriate places. Texters also spend more time, nearly two seconds longer, in an intersection. It takes two to result in a vehicle versus pedestrian accident. Our law should place equal standards of responsibility on both parties.

Assemblywoman Spiegel:

This bill deals with distracted pedestrians. This brings into question liability issues for drivers who wind up having traffic accidents that are caused because of distracted pedestrians. Do you have any thoughts about the liability that a driver would have if they had an accident because a distracted pedestrian did something unpredictable?

Assemblyman Munford:

My bill did not go into that aspect of it and that is a good point to present and bring my attention to. I am sure the driver, who is not at fault, will say the texter made me veer this way or stop quickly. Is the texter going to be given a citation? Will the texter have some kind of insurance coverage and protection for himself? Is that what you are saying?

Assemblywoman Spiegel:

If somebody walking is hit by a car and undergoes medical treatment for the injuries, the presumption is the driver is at fault for hitting the pedestrian. The accident occurred because the distracted pedestrian was really at fault and did something that the driver could not reasonably anticipate. Could there be a provision in this bill that if somebody is texting while they are crossing the street and they are hit, that the presumption of liability is with the pedestrian and not with the driver?

Assemblyman Munford:

Yes, it would be. However, does the texter have the means to compensate for whatever damages might occur?

Assemblywoman Spiegel:

That would be something that would have to be addressed through civil court. The question is the presumption of liability and where would it lay.

Assemblyman Munford:

The liability would lay with the texter.

Assemblywoman Swank:

I spent a lot of time at universities with young people walking around doing a lot of distracted walking, but not always texting. I am guilty of distracted walking; I walk while reading a book. I started to think of many other things people do that are distracting as they walk through the intersection. How would this bill handle all of that?

Assemblyman Munford:

When people are texting or reading and walking, they are oblivious to what is going on around them. You could step off of a curb not knowing what the signal was, causing you to become a victim. When my constituents brought this to my attention I became more conscious and observant and I saw this behavior. This is an attention getter and to get us thinking a bit. We are trying to minimize the risk.

Assemblywoman Swank:

We could also be absorbed in a conversation while walking and not even notice that the light changed. I am concerned about how it could be a very expansive category.

Assemblyman Munford:

The points that you made are very relevant. I think you will find more incidents because people are into technology, especially the young kids getting out of school. The first thing they put into their hands is their phones and they start texting.

Assemblyman Sprinkle:

If someone was walking through a crosswalk and was hit by a car, would this law supersede the liability that the car driver would have for hitting somebody in a designated crosswalk?

Assemblyman Munford:

Yes, that is correct. In my closing remarks, I was going to share with you how the penalties would work. If the pedestrian was in a crosswalk while texting, the first penalty would be a citation warning. If it was a consistent occurrence, it could result in a fine.

Assemblyman Sprinkle:

If somebody is on a sidewalk and texting, are they also going to be in violation of this law?

Assemblyman Munford:

No, they are not in violation of the law.

Chairman Carrillo:

Are there any questions from the Committee members? [There were none.] If somebody is in an intersection, expecting a phone call, they want to see who is calling, pull out the phone to check, and a law enforcement officer sees the handheld device, will they be cited? Does the pedestrian have to be actually

holding the phone or texting? There are times that I as an assemblyman have someone call me who I need to talk with.

Assemblyman Munford:

That is a tough one. There is a lot of temptation to answer the phone. More than anything, it is a conscious behavior awareness so people will think a second time.

Chairman Carrillo:

Are there any questions from the Committee members? [There were none.]
Is there anyone who wishes to speak in support of A.B. 123?

Jesse Holder, Private Citizen, Las Vegas:

My name is Jesse Holder and I am the intern for Assemblyman Munford. I was an auto insurance claims adjuster for five years. Suppose I was driving on Las Vegas Boulevard at the correct speed limit, being completely attentive, and somebody walked across Las Vegas Boulevard, texting and not paying attention and I hit that person. What would most likely happen is the police would come to the scene and take a report, and I would have to report this to my insurance company. The police officer would look for witnesses. If a witness came forward and said, "This pedestrian was not paying any attention at all, this driver was going the proper speed limit, doing nothing wrong. This person walked out in front of them," the police could cite the pedestrian for violating the law. That would be in the police report. My claims adjuster would review the police report and assess the liability. If the person I hit was hurt, they would likely sue me for damages. Based on the police report, my adjuster might say, "You were cited in violation of the law, you are partially responsible." If that person had \$100,000 in damage, the attorney and claims adjuster might agree that the liability was a 50-50 split between me and the pedestrian. Thus, the pedestrian would be paid only 50 percent of their damages.

Chairman Carrillo:

Are there any questions from the Committee members? [There were none.]
Is there anyone else wishing to testify in support of A.B. 123? [There was no one.]
Is there anyone wishing to testify in opposition to A.B. 123? [There was no one.]
Is there anyone wishing to testify neutral on A.B. 123?

Tom Greco, Assistant Director, Planning, Department of Transportation:

The Nevada Department of Transportation is neutral on A.B. 123. There are items that I would like to point out. The phrase "when crossing a highway" might need to be redefined if the intent is "within the roadway." There are *Nevada Revised Statutes* definitions for highways meaning right-of-way to right-of-way which would include sidewalks. Based on recent research, we find

that 45 percent of pedestrian fatalities are not within the sidewalks. They are midblock. Only about 25 percent are within marked sidewalks. Nationwide, fatalities on our roadways between 2011 and 2012 increased about 5 percent. The same is true in Nevada. When you break that down into pedestrian fatalities on the roadway, that grew 26 by percent.

Chairman Carrillo:

Can you give those statistics to Committee members?

Tom Greco:

Absolutely. Between 2011 and 2012 in Las Vegas, the number of pedestrian fatalities grew by 40 percent. That is a tragedy that we need to address. It is very difficult to be definitive about what aspect of distracted walking is an element of these fatalities.

Chairman Carrillo:

Are there any questions from the Committee members? [There were none.] We will hear closing statements on A.B. 123.

Assemblyman Munford:

Some states have a law for jaywalking where a citation will be issued. Although texting is not directly related, Chairman Carrillo, you made a good point. On the Las Vegas strip, signs and lights distract people. In 2012, Nevada experienced one of the highest periods of pedestrian fatalities. This bill is more about raising the awareness factor and being an attention getter.

Chairman Carrillo:

We will close the hearing on A.B. 123. Is there any public comment?
[There was none.]

The meeting is adjourned [at 4:56 p.m.].

RESPECTFULLY SUBMITTED:

Jacque Lethbridge
Committee Secretary

APPROVED BY:

Assemblyman Richard Carrillo, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: February 28, 2013

Time of Meeting: 4:56 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 117	C	Assemblyman Sprinkle, Washoe County Assembly District No. 30	Amendment
A.B. 117	D	Eric Spratley, Lieutenant, Legislative Services, Sheriff's Office, Washoe County	Written testimony
A.B. 117	E	Paul Villa, Board of Directors, Reno Police Protective Association	Support document
A.B. 117	F	Ann Macquarie, representing Muscle Powered: Citizens for a Walkable and Bikeable Carson City	Written testimony
A.B. 117	G	Terry McAfee, representing the Nevada Bicycle Coalition	Written testimony