

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Seventh Session
May 6, 2013**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 9:07 a.m. on Monday, May 6, 2013, in Room 2135 of the Legislative Building, Carson City, 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 Mark A. Manendo, Chair
Senator Kelvin Atkinson, Vice Chair
Senator Pat Spearman
Senator Joseph P. Hardy
Senator Donald G. Gustavson

GUEST LEGISLATORS PRESENT:

Assemblyman Michael Sprinkle, Assembly District No. 30

STAFF MEMBERS PRESENT:

Jered McDonald, Policy Analyst
Darcy Johnson, Counsel
Melodie Swan-Fisher, Committee Secretary

OTHERS PRESENT:

Luke Busby, Nevada Bicycle Coalition
D. Eric Spratley, Lieutenant, Washoe County Sheriff's Office
Ernie Adler, Northern Nevada Coalition of Clubs
Robert Roshak, Nevada Sheriffs' and Chiefs' Association
Tom Greco, Assistant Director, Planning, Director's Office, Nevada Department of Transportation

Chair Manendo:

I open the hearing with Assembly Bill (A.B.) 117.

ASSEMBLY BILL 117 (2nd Reprint): Revises provisions governing rules of the road. (BDR 43-566)

Assemblyman Michael Sprinkle (Assembly District No. 30):

I support A.B. 117. Assembly Bill 117 proposes allowing persons driving motorcycles, mopeds, trimobiles, bicycles or electric bicycles to proceed through intersections against lighted traffic-control devices. These vehicles are not heavy enough to trigger the sensors in the road that cause traffic lights to advance. Some traffic signals are activated by video cameras, but the cameras do not always sense the presence of motorcycles, mopeds, trimobiles, bicycles or electric bicycles. Infrared sensors can detect the presence of these vehicles, but such sensors are not widely used.

Law enforcement officers favor A.B. 117 because its provisions would enable police to determine fault in accidents. Eleven other states have language quite similar to A.B. 117. A similar law in Kansas provided the model for A.B. 117. I have discussed the tenets of A.B. 117 with legislators in Kansas, who told me their state has not incurred significant accidents involving motorcycles, mopeds, trimobiles, bicycles and electric bicycles since enacting their law.

When I was first asked to spearhead this legislation, I thought the concepts were intriguing, especially since I am a road bicyclist. But I was not intent on following through until I learned more about the safety advantages such a law would afford. Eighty-three percent of serious accidents to riders of motorcycles, mopeds, trimobiles, bicycles and electric bicycles occur at intersections. Safety would be improved if persons whose vehicles do not surround them with metal were allowed to proceed through intersections. It would also increase the safety of those in passenger vehicles. All too often, motorcycle, moped, trimobile, bicycle and electric bicycle riders dart through intersections.

Chair Manendo:

If A.B. 117 were passed, would the drivers of motorcycles, mopeds, trimobiles, bicycles and electric bicycles be required to wait through two traffic light signals before moving through intersections? It seems this is the built-in safety component. It is not as if they can just "cut in line," as it were. Some traffic light sensors will activate, and some will not.

Assemblyman Sprinkle:

You are right. The drivers of motorcycles, mopeds, trimobiles, bicycles and electric bicycles would be required to wait through two traffic light signals before moving through intersections. The law Kansas enacted states the drivers of these vehicles can proceed through intersections after a reasonable amount of time. It would be more practical and clear to require drivers of motorcycles, mopeds, trimobiles, bicycles and electric bicycles first to wait through two complete light cycles. Doing so would give these drivers ample opportunity to determine whether the signal devices' sensors are not activating the lights. To police, the practice would also provide tangible evidence that due care had been exercised.

Senator Gustavson:

Section 2, subsection 9 states

If a person violates paragraph (d) of subsection 7 or paragraph (b) of subsection 8 and that violation results in an injury to another person, the violation creates a rebuttable presumption of all facts necessary to impose civil liability for the injury.

Why are the words "property damage" not included along with the word "injury"?

Assemblyman Sprinkle:

We drafted the language with the intent of convincing the riding public that persons choosing to make a left turn at a red light will incur the full liability, as delineated in the remainder of the bill. The language was determined by trial lawyers to address fault in the event of accidents. The trial lawyers explained the "injury" would encompass those results incurred in the event of accidents, whether the injuries were incurred to persons or to property.

Senator Gustavson:

Perhaps Ms. Johnson, our legal counsel, can offer us an opinion as well. I support A.B. 117. I see the bill's main provision applies to the drivers of motorcycles, mopeds, trimobiles, bicycles and electric bicycles, but not to drivers of automobiles.

Assemblyman Sprinkle:

The language used in the bill is not my language. It was vetted by those who presented it in the Assembly and drafted by the Legislative Counsel Bureau Legal Division.

Senator Gustavson:

I asked because I want to make sure there are no loopholes.

Chair Manendo:

Ms. Johnson, do you want to respond to Senator Gustavson's observations regarding the wording in section 2, subsection 9, specifically, the fact that the term "property damage" is not included?

Darcy Johnson (Counsel):

I will get back to you with an answer.

Luke Busby (Nevada Bicycle Coalition):

We support A.B. 117. We think it is a common sense measure that would solve a problem cyclists face every day. Under the bill's provisions, cyclists would move through intersections quickly. Intersections are the most dangerous portion of roads for cyclists. Subtle and small measures like those provided in A.B. 117 can have a significant impact on the cycling community's perception of the State. Nevada is consistently moving up in the League of American Bicyclists' ranking of bicycle-friendly states. The bill may improve Nevada's ranking even more. Cycling promotes economic development and improves quality of life for citizens of the State.

Eric Spratley, Lieutenant (Washoe County Sheriff's Office):

We support A.B. 117, and I can provide a law enforcement perspective. As a 21-year veteran of the Washoe County Sheriff's Office, 7 years of which were spent as a motorcycle officer, there have been a number of occasions in which I cleared congestion at intersections when lights' sensors did not recognize motorcycles or bicycles. There were also many occasions when lights' sensors did not recognize my 800-pound motorcycle and me. I had the advantage of having police lights and a siren on my motorcycle, which enabled me to proceed through intersections in such situations and move on to pending calls for service and to other violators.

I have observed bicyclists riding lanes' lines or the left lane marker lines—the yellow or white lines—in hopes of allowing cars to move up next to them to trip the traffic lights' sensors. Because of the aim in the new public safety campaign to give cyclists a minimum 3 feet of space, however, drivers of four-wheeled vehicles are less likely to accommodate cyclists hoping to get drivers to move next to them.

While A.B. 117 looks controversial at first glance, its tenets make good sense. They would afford roadway users the ability to move sensibly and responsibly through intersections. The responsibility of moving through the intersection would be on the motorcycle, moped, trimobile, bicycle and electric bicycle riders. Law enforcement has a favorable view of this provision.

Concerns were expressed that riders approaching traffic lights could simply look left and right and proceed through intersections; they could run the lights. Motorcycle, moped, trimobile, bicycle and electric bicycle riders already do this. If we law enforcement officers see violators practicing this, we stop them. Under the bill, we would continue to stop violators for this same infraction.

Roundabouts, permissive green lights and flashing yellow lights seemed controversial when the bill was first introduced. They increase traffic flow, however, and the provisions in A.B. 117 will do the same.

Ernie Adler (Northern Nevada Coalition of Clubs):

We support A.B. 117. It is a popular bill, and it makes good common sense.

As soon as word got out about it to the motorcycling community, I began receiving calls from interested persons in northern Nevada as well as some in Las Vegas, Phoenix and other places.

Most of the members of the clubs I represent are over age 50. They are not young people who drive recklessly. One motorcyclist I spoke with works at a warehouse in Sparks. He told me he travels through a certain intersection early in the morning on his way to work. He stops at the red light and waits awhile. Because he is alone in the lane, his motorcycle does not trigger the signal to change. Eventually, he runs the red light in order to proceed through the intersection and get to work on time. Such scenarios are common in Nevada. People work night shifts. Those who commute on motorcycles become

stuck at intersections and are faced with the decision to violate the law in order to proceed.

Robert Roshak (Nevada Sheriffs' and Chiefs' Association):

The Nevada Sheriffs' and Chiefs' Association supports this bill. Because I am a motorcycle rider, I support it, too. The provisions make sense. I have often waited at intersections because the lights did not change. The only choices are to wait for cars to approach from behind to register on the pressure sensors or to run the red lights.

Senator Hardy:

Do motorcycle riders waiting in left lanes resort to other creative measures, like turning right, making U-turns and proceeding through intersections from the lanes traveling in the opposite direction? Have you ever heard of riders being cited for such a thing?

Mr. Adler:

People I represent have told me they have done that.

Chair Manendo:

Is it illegal to do that?

Mr. Roshak:

Yes, it is illegal. Motorists who travel against the left-turn traffic signal, proceed through an intersection and make a U-turn violate left-turn traffic signal laws.

Chair Manendo:

Is it legal for drivers who pull up behind disabled cars stopped in left lanes at stop lights to proceed around them on the right, to yield and to make left turns around them?

Mr. Roshak:

Such an action would be a violation. I believe it would fall under a condition of mitigating circumstances. If drivers in the scenario you described could prove they were trying to relieve congestion, they might not be cited. There are circumstances under which our laws cannot always be followed. Safety is the first concern.

Tom Greco (Assistant Director, Planning, Director's Office, Nevada Department of Transportation):

We are neutral on A.B. 117. Eleven states have adopted laws similar to the one proposed in this bill. Though there have been good results, a legitimate before-and-after study should be done. The study should include 3 years' worth of data before and 3 years' worth of data after the laws were enacted. That has not been done as yet. Assembly Bill 117 would allow motorists to move against traffic lights not only while making left turns but also while moving through and making right turns.

Bicyclists have the option of being pedestrians by dismounting their bikes and walking them. Motorcyclists, moped and scooter riders do not.

Senator Hardy:

Could moped riders become pedestrians by simply pushing their vehicles through crosswalks?

Mr. Greco:

Theoretically, motorcyclists could do this. I have driven mopeds, scooters and motorcycles, and I would rather not roll a moped or any of them through crosswalks.

Senator Hardy:

Would it be legal?

Mr. Greco:

I do not know. It is legal to walk bicycles and mopeds through crosswalks.

Senator Gustavson:

That would be covered under mitigating circumstances. If a motorcycle or moped broke down, the rider would be pushing it anyway.

Mr. Greco:

That is true.

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Chair Manendo:

I close the hearing on A.B. 117. We will bring it back to Committee. Seeing no further business before the Committee, we are adjourned at 9:28 a.m.

RESPECTFULLY SUBMITTED:

Melodie Swan-Fisher,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	2		Attendance Roster