

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Seventh Session
March 4, 2013**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 9:03 a.m. on Monday, March 4, 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 Joseph P. Hardy
Senator Donald G. Gustavson

COMMITTEE MEMBERS ABSENT:

Senator Pat Spearman (Excused)

STAFF MEMBERS PRESENT:

Jered McDonald, Policy Analyst
Darcy Johnson, Counsel
Jennie F. Bear, Committee Secretary

OTHERS PRESENT:

Bill Hoffman, P.E., Deputy Director, Nevada Department of Transportation
Paul J. Enos, CEO, Nevada Trucking Association
Michael Rich
William A. Bainter, Lieutenant, Statewide Commercial Commander, Nevada Highway Patrol, Department of Public Safety

Chair Manendo:

We will begin with the hearing on Senate Bill (S.B.) 14.

SENATE BILL 14: Revises certain provisions governing highways under the jurisdiction of the Department of Transportation. (BDR 43-362)

Bill Hoffman, P.E. (Deputy Director, Nevada Department of Transportation):

I am providing written testimony ([Exhibit C](#)). My agency is responsible for more than 5,200 miles of highways and more than 1,100 bridges across the State. Our No. 1 goal is to provide a safe transportation network for the traveling public. To achieve this goal, the Nevada Department of Transportation (NDOT) adheres to strict federal National Bridge Inspection Standards as well as the Code of Federal Regulations related to the Federal Highway Administration (FHWA) of the U.S. Department of Transportation. Bridge safety is one of our top priorities, if not the top priority of the FHWA and NDOT, in the wake of the U.S. Interstate Highway 35 bridge collapse in Minneapolis, Minnesota in 2007. Nevada is ranked second in the nation in terms of bridge condition.

Chair Manendo:

That is a good sign, considering how little money we have for improvements. It is wonderful news that we are No. 2. I want to say this for the record.

Mr. Hoffman:

If NDOT determines through a load-rating analysis that a bridge needs attention, that it is understrength, we feel we should have the ability to post a reduced weight limit on the bridge for public safety.

Nevada Revised Statute (NRS) 484D.655 requires NDOT to receive approval from our NDOT Board of Directors and to perform other nonstructural assessments before posting a reduction to the maximum weight limit on a bridge or highway. Depending on many factors, including but not limited to, the timing of NDOT's approval request and associated analysis, public meeting laws and agenda deadlines, 35 to 40 days could pass before this critical message is posted on a bridge. It is not NDOT's intent to bypass any process, regulation or law for its self-interest. Our prime commitment is the safe passage of all vehicles on our highways. Additional requirements above determining the actual structural capacity of the bridge could delay the posting of critical information needed for public safety.

The NDOT has been working closely with the Nevada Trucking Association (NTA). We are presenting a friendly amendment to S.B. 14 that we believe will address each party's concerns adequately. We came to a final agreement just before this hearing began, and we hope to submit it to the Legislature later this afternoon. The NTA, NDOT and staff at the Office of the Attorney General have

worked since Friday on the intent of the amendment's language. We want to reduce your time dealing with this amendment.

Chair Manendo:

It is always nice to receive amendments before the meetings. I probably should have postponed this discussion to another day so you could have had more time to work out the amendment. On two occasions, we have not had proposed amendments in time for discussion, and we have only heard five bills. Can you tell us conceptually what the amendment says? Is it a total rewrite of this bill?

Mr. Hoffman:

No. The bill draft request is very close to the amendment wording. The NDOT wants to address some of NTA's issues. It is a matter of reporting timelines. We would like the director of NDOT to have the authority to post a bridge, which means to put a sign with critical information about reduced weights on a bridge, as soon as he or she possibly can. Right now, we have to obtain the approval of our Board, which can take up to 35 to 40 days. Mr. Enos of the Association and I have come to an agreement on the language. We propose 180 days during which the director will retain the authority to post a bridge based on his responsibility for public safety. We would then have 60 days to report this to, without getting approval from, the Board.

Chair Manendo:

I understand the part of the bill about bridges. That makes sense. I question the wording in subsection 2 of section 1 of S.B. 14, which says "... or a portion of a highway under its jurisdiction which is designated as a scenic route" Can you talk about why the weight limit on a scenic route is included as opposed to a weight limit on other highways in Nevada?

Mr. Hoffman:

Paul Enos would be able to answer that question better than I can. He knows the history and has had experience writing language in chapter 484D of the NRS.

Senator Atkinson:

The process has been in effect for some time. Has it been a problem?

Mr. Hoffman:

We have gone through this process before. About 19 bridges have been posted. Most of those are locally owned bridges. Under the FHWA requirements, NDOT is responsible for inspecting, reporting and creating a bridge inventory for the bridges in our State highway system and for all public bridges within State boundaries. It goes beyond NDOT's roadways. We now have three bridges in the State's highway system with reduced weight limits posted. They are on low-volume roads; two are in Reno, and one is in Winnemucca. We went through the process to post these bridges and found how long the process can take. It takes longer if we have to do additional analyses or additional special bridge inspections. We have to conduct an in-depth inspection. The 180 days, to which NTA and NDOT have agreed, would give this authority to the director of NDOT. However, we would act sooner than that. The time limit is ...

Senator Atkinson:

You are getting past my question. Maybe it is something you and Mr. Enos agreed to, but I am trying to determine how we get to that point. How does NDOT determine the weight limits for a specific bridge? What are the criteria?

Mr. Hoffman:

We follow the standard bridge inspection process and load-rating analysis process developed by the FHWA. There are national bridge inspection standards all 50 states use. In addition, there are different load scenarios based on the truck and trailer combinations our designers use to determine how strong a bridge is relative to one of those loading scenarios.

Senator Atkinson:

Your office works with the trucking industry so the truckers will know which bridges cannot be accessed. How is that enforced? Do you know, or is enforcement outside NDOT's jurisdiction?

Mr. Hoffman:

I am not sure what takes place. Our responsibility is to make sure our load scenarios and load-rating analyses cover the actual weight limits in the three relevant sections of NRS 484D.

Paul J. Enos (CEO, Nevada Trucking Association):

The Association has worked with NDOT to ensure it has the flexibility and ability to restrict trucks on the State's transportation infrastructure where there

may be safety issues. The history of the amendment involves former-Senator Dina Titus. In 2007, she discussed the matter of commercial vehicles traveling on scenic byways with us. In particular, the discussion involved shutting off truck traffic on State Route 159, also known as Red Rock Road, in Clark County. The director of NDOT at the time, Susan Martinovich, agreed to ban trucks on Red Rock Road. We wanted to ensure that before we banned trucks on any other roadway in the State, the action would be driven by data rather than by special interest groups or by emotion. This is why in NRS 484D.655, subsection 1, we have included considerations such as truck counts, average number of vehicles, impact on alternative routes, number of traffic accidents and other relevant analyses. We wanted the process to be data driven rather than be in response to emotion caused by an incident, as was the case in 2007.

We realize NDOT is not able to restrict trucks on all parts of our transportation infrastructure. We do not want to tie their hands. We agree with NDOT that it should be able to restrict trucks where safety is concerned. To answer Senator Atkinson's question about how trucks are notified of bridge postings, truck drivers know the restricted and alternative routes. Sometimes roads are restricted because of spring thaw or road and bridge construction. These restrictions are listed on NDOT's Website. The NDOT informs people in the trucking industry when it is requiring permits or restricting access for overweight or oversized loads. The Association wants to make sure NDOT's hands are not tied when safety is concerned. We would like to include in the amendment that a report to the Board is made within 60 days of the closure of a bridge or a portion of a roadway if there are safety issues involved. Additionally, we want to see 180 days, 6 months, established to conduct the studies and data analyses, especially if the bridge or road will be closed permanently, to ensure trucks will be safe and the closure is not causing strain on infrastructure elsewhere.

Senator Hardy:

Which comes first—the 180 days or the 60 days?

Mr. Enos:

The director could close a bridge for 180 days. That would be the first action. The director will have 60 days, or 2 months, within the 180 days to notify the Board. In the past, then-Governor Jim Gibbons did not convene the meetings regularly. Governor Sandoval has been more diligent with monthly meetings. The 60 days gives enough time to report to the Board if it does not meet

monthly. This does not mean a formal report must be given in front of the Board at a regularly scheduled meeting, however. It could be in the form of a memo to the members of the Board to let them know about the bridge or road restriction.

Senator Hardy:

The 180 days is coincidental to the 60-day window to notify the Board. This time frame will give the Board time to study the matter and make its decision to close or not to close the bridge or road permanently.

Mr. Enos:

That is correct. Within the 180-day period, the Board will have the data required in NRS 484D.655 to make an informed decision, especially if the Board recommends a permanent closure.

Chair Manendo:

When can you provide the proposed amendment to the staff?

Mr. Hoffman:

We can provide it by the end of today.

Michael Rich:

I am a citizen. I have no problem with the issues regarding bridges. It is a safety issue. Restrictions to the scenic routes concern me. There are 19 scenic routes in Nevada. This would limit us around Lake Tahoe and Pyramid Lake and through Gerlach. Trying to get to Gerlach and around Lake Tahoe could pose problems. Another scenic route is State Route 431, Mt. Rose Highway, up to State Route 28. If scenic routes are included in S.B. 14, Mt. Rose Highway could be shut down, and we would not be able to use it anymore.

Chair Manendo:

I would like you to speak with the representatives who have testified this morning. They heard your testimony. If you want to talk with them to alleviate your concerns, they are still working on an amendment. I am sure they are noting what you have said and will give you an answer.

Senator Hardy:

It would be nice to have the list of the 19 scenic routes for the Committee so all of them can be addressed in our discussions.

Mr. Rich:

I printed the list from the computer this morning. It includes federal and State scenic routes.

Chair Manendo:

The NDOT will work with our researcher to ensure the Committee members get a complete list of the scenic routes in Nevada. That was a good suggestion, Senator Hardy. We will now close the hearing on S.B. 14 and open the hearing on S.B. 43.

SENATE BILL 43: Revises provisions relating to the operation or movement of certain vehicles. (BDR 43-340)

William A. Bainter (Lieutenant, Statewide Commercial Commander, Nevada Highway Patrol, Department of Public Safety):

The Department of Public Safety (DPS) is sponsoring S.B. 43. I have written testimony ([Exhibit D](#)). The bill proposes clarifying language to NRS 484A.480. Section 1, subsection 4 of this statute states when an authorized emergency vehicle can use emergency lights. The emergency lights may be activated and used " ... when responding to an emergency call or fire alarm, while escorting a funeral procession, or when in pursuit of an actual or suspected violator of the law." The DPS is proposing to insert additional language in section 1, subsection 4 of S.B. 43 to include authorizing use of emergency lights " ... while escorting a vehicle with an oversized load for which a permit is required by law"

Due to the frequency with which Nevada Highway Patrol (NHP) is involved in wide-load escorts, the DPS believes it is prudent to clarify in statute that emergency equipment is authorized during these types of operations. In calendar year 2012, the NHP conducted 128 wide-load escorts in the Elko area of rural Nevada alone. Many of these loads were 20- to 25-feet wide and protruded 8- to 13-feet into adjacent and oncoming travel lanes. To conduct these escorts, the NHP travels ahead of the wide loads with our emergency lights on to alert oncoming traffic and direct it to the side of the road to stop until the wide loads go by.

Because of the number of wide-load escorts completed every year, and from a risk management perspective in the event that an unforeseen event would

occur, the DPS is requesting additional language be placed in the statute to include wide-load escorts.

Chair Manendo:

If a dignitary is in town using the interstate, is the NHP allowed to use lights?

Lt. Bainter:

We will use the lights for traffic control at intersections. The guidelines and parameters for when we can use this specific emergency equipment when a vehicle is moving are found in NRS 484A.480.

Chair Manendo:

Is that a yes or a no?

Lt. Bainter:

That is a no.

Chair Manendo:

I remember seeing the NHP doing its job protecting our President not long ago when he was in Las Vegas. I was thinking I did not see lights. This made me think to ask if this is something the NHP needs to do.

Lt. Bainter:

I had not given that any thought, but it certainly could be considered as an amendment ...

Senate Committee on Transportation
March 4, 2013
Page 9

Chair Manendo:

I am not suggesting that. I will close the hearing on S.B. 43 now and bring it back to the Committee for further discussion. Seeing no further business before the Committee, we are adjourned at 9:31 a.m.

RESPECTFULLY SUBMITTED:

Jennie F. Bear,
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
S.B. 14	C	1	Bill Hoffman	Written testimony
S.B. 43	D	1	William A. Bainter	Written testimony