

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

**Seventy-Eighth Session
April 28, 2015**

The Committee on Transportation was called to order by Chair Jim Wheeler at 3:18 p.m. on Tuesday, April 28, 2015, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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: www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Jim Wheeler, Chair
Assemblywoman Jill Dickman, Vice Chair
Assemblyman Nelson Araujo
Assemblyman Richard Carrillo
Assemblywoman Victoria A. Dooling
Assemblyman Edgar Flores
Assemblyman Brent A. Jones
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman P.K. O'Neill
Assemblyman Stephen H. Silberkraus
Assemblywoman Ellen B. Spiegel
Assemblyman Michael C. Sprinkle
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Michele Fiore (excused)

GUEST LEGISLATORS PRESENT:

Senator Scott Hammond, Senate District No. 18

Minutes ID: 998



STAFF MEMBERS PRESENT:

Michelle L. Van Geel, Committee Policy Analyst
Melissa N. Mundy, Committee Counsel
Joan Waldock, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Sean Sever, Communications Director, Communications Division,
Department of Transportation
Sondra Rosenberg, P.T.P., Assistant Director, Planning, Director's Office,
Department of Transportation
Jude Hurin, C.P.M., DMV Services Manager III, Division of Management
Services and Programs, Department of Motor Vehicles
Matthew B. Parker, Chairman, Nevada State Legislative Board, and
representing Brotherhood of Locomotive Engineers and Trainmen;
and Rail Conference, International Brotherhood of Teamsters
Jaron S. Hildebrand, Manager of Government Affairs, Nevada Trucking
Association
Patrick T. Sanderson, Private Citizen, Indian Hills, Nevada
Brian O'Callaghan, Government Liaison, Office of Intergovernmental
Services, Las Vegas Metropolitan Police Department

Chair Wheeler:

[Roll was called. Committee protocol and rules were explained.] I thought former Governor Robert F. List was going to be here to introduce Senate Bill 263 (1st Reprint). Since I do not see him here, we will move on to Senate Bill 23 (1st Reprint).

Senate Bill 23 (1st Reprint): Revises provisions governing the required submission of certain reports by the Department of Transportation. (BDR 35-376)

Sean Sever, Communications Director, Communications Division, Department of Transportation:

We appreciate your hearing Senate Bill 23 (1st Reprint) today. To my right is Sondra Rosenberg, our Assistant Director of Planning. The bill was submitted and passed unanimously by the Senate Committee on Transportation on February 19, 2015. It passed on April 14, 2015 on the Senate floor with two legislators excused. I would like to turn it over to Ms. Rosenberg to briefly go over the intent of the bill.

**Sondra Rosenberg, P.T.P., Assistant Director, Planning, Director's Office,
Department of Transportation:**

This bill is primarily a housekeeping bill in order to increase our efficiency. There are some inconsistencies, both with the *Nevada Revised Statutes* (NRS) and between the state regulations and federal requirements for reporting. In NRS, we have a requirement to report a 12-year preservation report. We would like to remove the 12 years and make that 10 years to align with our planning horizons. We also have our work program that currently requires three years, but our federal requirements are for a four-year program. We would like to make that a four-year program across the board. The third item is changing the dates of reporting. We would like to align these with our federal reporting to make the work program available October 1. The final issue was amended when the bill was first heard in the Senate, allowing us to transmit these reports and not specify that they must be printed and mailed. This would improve efficiency. That covered all of my points.

Sean Sever:

We think this is a good bill that will improve efficiency by matching our state and federal reporting requirements in the Department of Transportation (NDOT). Thank you for considering it.

Chair Wheeler:

Are there any questions?

Assemblyman Carrillo:

Is this simply for housekeeping? I think you are efficient already. Does this take you to the next level of efficiency?

Sondra Rosenberg:

Thank you very much for that comment. We like to think we are pretty efficient, but we are always looking for small ways to improve that efficiency. This just aligns these reporting requirements so we do not have to create a report for our state requirements separate from the one we have to do for the federal government.

Assemblyman Sprinkle:

Under section 1, subsection 2, you change the requirement from three years to four years. Do you happen to recall what the legislative intent was for the three years? Are we changing something that came up previously that made it necessary to make this three-year projection?

Sondra Rosenberg:

I do not recall. In the six years I have been at NDOT, it has been a three-year report with the federal report being four years. It must date back to either previous federal legislation that we were following, or for some reason the state wanted that. We could not find the specific reference for it, so we thought it was simpler to align everything to those federal requirements.

Assemblyman Sprinkle:

As long as you have done your homework, that sounds good.

Chair Wheeler:

Are there any further questions? [There were none.] Is there any testimony in favor of S.B. 23 (R1)? [There was none.] Is there any testimony in opposition? [There was none.] Is there any testimony in the neutral position? [There was none.] I will close the hearing. Is there a motion to suspend Rule 57?

ASSEMBLYWOMAN DICKMAN MOVED TO SUSPEND
RULE NO. 57 OF ASSEMBLY RESOLUTION 1.

ASSEMBLY SILBERKRAUS SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYWOMAN FIORE WAS ABSENT
FOR THE VOTE.)

Chair Wheeler:

Is there a motion for the bill?

ASSEMBLYMAN JONES MOVED TO DO PASS
SENATE BILL 23 (1ST REPRINT).

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMEN FIORE AND
KIRKPATRICK WERE ABSENT FOR THE VOTE.)

Assemblyman Jones will take the floor statement.

Senate Bill 43 (1st Reprint): Revises provisions governing certain safety requirements for driving across railroad tracks. (BDR 43-378)

Jude Hurin, C.P.M., DMV Services Manager III, Division of Management Services and Programs, Department of Motor Vehicles:

Senate Bill 43 (1st Reprint) was submitted by the Department of Motor Vehicles in order to come into compliance with the Federal Motor Carrier Safety Administration audit findings concerning railroad safety requirements. Our existing statute under *Nevada Revised Statutes* (NRS) 484B.560 addresses the majority of the federal safety requirements for railroad crossings, but there were a handful of additional rules that must be adopted to become fully compliant with the minimum national standards. [Read from prepared statement ([Exhibit C](#)).]

Assemblywoman Spiegel:

In section 1, subsection 5, paragraph (b), the bill talks about the undercarriage clearance of the vehicle. Is that the space between the ground and where the engine is or where the body of the vehicle starts? What happens if there is some sort of accident or obstruction that causes that space to be more limited and it is not the fault of the driver and they do not see it until they are driving over the train tracks? Would that still be their fault?

Jude Hurin:

I do not know if I have the correct answer for that, but I believe in the investigative process of that accident, they would look at all the angles to assess if it was the obstruction that caused the accident. I think that would be handled through the legal process. The undercarriage is the national requirement that all jurisdictions must comply with.

Chair Wheeler:

I believe it is incumbent upon the driver of the vehicle to know what his top and bottom clearances are.

Jude Hurin:

You are correct.

Chair Wheeler:

Are there any further questions? [There were none.] Is there any testimony in favor of S.B. 43 (R1)?

**Matthew B. Parker, Chairman, Nevada State Legislative Board, and representing
Brotherhood of Locomotive Engineers and Trainmen; and Rail Conference,
International Brotherhood of Teamsters:**

I am here today to ask for your support for Senate Bill 43 (R1). While S.B. 43 (R1) was brought as a housekeeping measure by the Department of Motor Vehicles (DMV), the modifications it will make to Nevada's motor vehicle laws do contain some definite enhancements to railroad safety. When I am not here communicating with you as policymakers for our state, I am a licensed locomotive engineer working out of the Sparks terminal. Any proposed law that has benefit to rail safety in Nevada is something that I have a vested interest in.

Last Friday, I emailed members of this Committee a link to a YouTube video [referred to ([Exhibit D](#))]. That video is an eyewitness recording of an accident that occurred last October 5 in Mer Rouge, Louisiana, in which a lowboy trailer that had become high-centered on a roadway crossing was struck by a train. The train is then seen derailing. I would like to be able to tell you today that incidents such as that are rare. That, however, is not the case. If you took the time to view that video, you may have noticed on the right-hand side of the page numerous links to similar videos, videos that exist because these types of accidents occur with far greater frequency than we in the rail transport industry would like to see.

According to statistics from the U.S. Department of Transportation Federal Railroad Administration's Office of Safety Analysis in 2014, a total of 2,282 highway-rail accidents occurred nationwide. By contrast, in 2013 a total of 2,097 such accidents occurred. This indicates an 8.8 percent increase year over year. From 1994, when 4,979 such incidents occurred, until 2010, the general trend that we saw year to year was a decrease in the number of these incidents. Since 2010, the general trend has changed and has been an upward trend, with the 8.8 percent increase we saw last year being the sharpest increase during the last four years. It is clear from these statistics that highway-rail accidents are a growing problem, growing to the extent that it is a significant concern to those of us in the rail transport industry, and, likewise, should be of concern to you as our state's policymakers.

By providing greater awareness on the part of motor vehicle operators and encouraging safer driver behavior, the changes to be made by S.B. 43 (R1) to Nevada's motor vehicle laws will help reduce the potential for such accidents here in the state. If you took the time to view that video, you might have noticed vapors escaping from some of the derailed train cars at approximately 1 minute and 50 seconds into the video. Those vapors were argon gas. Argon gas in itself is not classified as toxic or poisonous; however, in sufficient quantities, it can cause asphyxia.

Every day in Nevada we move millions of gallons and thousands of tons of hazardous substances over the rail lines traversing the state, substances that include diesel fuel, gasoline, crude oil, liquefied petroleum gas, anhydrous ammonia, chlorine, and on occasion, even high explosives. Any collision with a vehicle brings with it the possibility of postaccident derailment, fire, and release of any such hazardous substances on that train. The provisions added to Nevada's motor vehicle laws in S.B. 43 (R1), by encouraging safe driving behavior and increasing the public's awareness of the dangers involved in crossing railroad tracks, will provide a benefit in reducing the potential for such catastrophic accidents in our state.

In closing, I would like to thank you all for your consideration of this matter in the interest of the safety of yourselves, your families, friends, constituents, and all residents of Nevada, including all of my fellow rail transport professionals who move our nation's and Nevada's freight and passengers safely across the rail lines of this state every day. I ask you to support the passage of S.B. 43 (R1).

Chair Wheeler:

Are there any questions for Mr. Parker? [There were none.]

Jaron S. Hildebrand, Manager of Government Affairs, Nevada Trucking Association:

We are in support of the bill. Mr. Hurin is right; this does get us compliant with the Federal Motor Carrier Safety Administration audit. We would like to thank all parties who worked on this bill.

Assemblyman Carrillo:

I would like to make an observation. We have rail people and trucking association people, people who would ordinarily be butting heads, agreeing on this.

Chair Wheeler:

That is a step in the right direction.

Patrick T. Sanderson, Private Citizen, Indian Hills, Nevada:

Being born and raised here in Nevada, I understand how important these railroad crossings are and how unsafe they are. Although I have not seen the final bill, it says it is unlawful for any driver of any vehicle to cross the graded tracks without stopping. I understand there is an amendment, but I have not seen it. As far as Assemblywoman Spiegel's question, anyone who has driven over railroad tracks has found a loose railroad tie now and then, which can hit the bottom of their car. You do not realize you are on one until after you have

crossed it. As long as you leave, it says that there is a term of imprisonment. If you leave that up to the judge—and that is how it should be because for years now we keep making these mandatory jail terms, which cost our counties and cities and states money to take care of these people—if a term is deserved, I am 100 percent for it. If there is something that has gone on that is not the fault of the person who does it, then I would like to have a judge listen to the common sense about what really happened before sentencing. I hope you take all of this into consideration and realize that for rural Nevadans who have been driving over these railroad tracks all our lives, it is a part of our lives and we want things safer. I am 100 percent behind the bill. I just hope that you leave things up to the judge and you realize that those railroad ties come loose because of wear and tear and maintenance. Sometimes you do not realize it has happened until crossing over the tracks.

Chair Wheeler:

That is actually a misdemeanor. It is definitely up to the judge, and has been in law for years. It has nothing to do with this bill.

Are there any questions? [There were none.] We will take any more testimony in support of S.B. 43 (R1). [There was none.] Is there any testimony in opposition? [There was none.] Is there any neutral testimony? [There was none.] We will close the hearing. I will entertain a motion on S.B. 43 (R1).

ASSEMBLYMAN SILBERKRAUS MOVED TO DO PASS
SENATE BILL 43 (1ST REPRINT).

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMEN FIORE AND
KIRKPATRICK WERE ABSENT FOR THE VOTE.)

Assemblyman Silberkraus will take the floor statement.

We will take a brief recess [at 3:43 p.m.].

The meeting is called back to order [at 4:02 p.m.]. We will welcome the chair of the Senate Committee on Transportation, Senator Scott Hammond.

Senate Bill 263 (1st Reprint): Revises provisions relating to the operation of certain vehicles. (BDR 43-1107)

Senator Scott Hammond, Senate District No. 18:

I apologize. This is former Governor Robert F. List's bill. He was supposed to be here to present it. There is a company that makes a three-wheel electric vehicle similar to a Segway. This bill would allow police forces to use it on sidewalks. A Segway is considered the same as a pedestrian, so there is no need to have legislation regarding that. The addition of the third wheel requires new legislation. What the Senate has done is amend this bill so each county, especially Clark County, can also provide policy measures for certain areas of their county, specifically the Las Vegas Strip, where a security service using these vehicles could be restricted by the county if the county so desired. Clark County could restrict their use on sidewalks on the Strip. This bill allows the three-wheel vehicles on sidewalks. I would be happy to answer questions.

Assemblywoman Spiegel:

As I read the description of this vehicle, it struck me that it seemed similar to the description of a medical mobility scooter, which has three wheels and are powered by electricity. In section 1, it would seem to say that they cannot be driven on sidewalks but, as you pointed out, in section 2, it says a board of county commissioners may have some allowances or ordinances. That in and of itself seems to be in conflict when you are talking about medical mobility scooters. Would it have an unintended consequence of putting users of medical mobility scooters in the street because they are not allowed on the sidewalk?

Senator Hammond:

We had a couple of bills dealing with having wheelchairs, motorized or not, on the sidewalk. I think if you go to the statute, wheelchairs are considered pedestrians and are allowed on the sidewalk. I think you might be talking about the three-wheel variety. Committee Counsel might be able to give a clearer answer, but I think it is already in statute that they are considered pedestrians as well. What we are looking at here are three-wheeled service vehicles. They have to be given some space in statute in order to be used.

Chair Wheeler:

I have asked Committee Counsel to look up *Nevada Revised Statutes* (NRS) 482.029 to find out if that was included in the definition of an electric personal assistive mobility device.

Melissa N. Mundy, Committee Counsel:

The section is actually NRS 484A.165. The definition of pedestrian is a person afoot, a person in a manual or motorized wheelchair, or a person on an electric personal assistive mobility device.

Chair Wheeler:

The device is considered a pedestrian. Are there any further questions? [There were none.] Is there any testimony in favor of Senate Bill 263 (1st Reprint)?

**Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

We are in support of this bill. I am glad the Legal Division brought that forward. There is also another bill this session [Senate Bill 354] because, due to clogged sidewalks, there was a conflict of a motorized wheelchair going into a bicycle lane. That is covered—wheelchairs are pedestrians.

Chair Wheeler:

Are there questions for Mr. O'Callaghan? [There were none.] Is there any further testimony in favor of S.B. 263 (R1)? [There was none.] Is there any testimony in opposition to S.B. 263 (R1)? [There was none.] Is there any testimony in the neutral position? [There was none.]

Chair Wheeler:

Is there a motion?

ASSEMBLYMAN SILBERKRAUS MOVED TO DO PASS
SENATE BILL 263 (1ST REPRINT).

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYWOMAN FIORE WAS ABSENT
FOR THE VOTE.)

Assemblyman Araujo will take the floor statement.

We will now close the hearing on S.B. 263 (R1). We will open the floor to
public comment. [There was none.] This meeting is adjourned [at 4:12 p.m.].

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

Assemblyman Jim Wheeler, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Transportation

Date: April 28, 2015

Time of Meeting: 3:18 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 43 (R1)	C	Jude Hurin, Department of Motor Vehicles	Written testimony
S.B. 43 (R1)	D	Matthew Parker, Nevada State Legislative Board	Letter of support