

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Eighth Session
February 24, 2015**

The Senate Committee on Transportation was called to order by Chair Scott Hammond at 8:30 a.m. on Tuesday, February 24, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 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 Scott Hammond, Chair
Senator Don Gustavson, Vice Chair
Senator Patricia Farley
Senator Mark A. Manendo
Senator Moises (Mo) Denis

STAFF MEMBERS PRESENT:

Megan Comlossy, Policy Analyst
Darcy Johnson, Counsel
Tammy Lubich, Committee Secretary

OTHERS PRESENT:

Erin Breen, Director, Vulnerable Road Users Project, Transportation Research Center, University of Nevada, Las Vegas
Brian O'Callaghan, Las Vegas Metropolitan Police Department
Craig M. Stevens, Clark County School District
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
David Cherry, City of Henderson
John Fudenberg, D-ABMDI, Assistant Coroner, Office of the Coroner/Medical Examiner, Clark County

Chair Hammond:

We will begin the hearing on Senate Bill (S.B.) 144, which is similar to S.B. 152. Our plan is to fold ideas from S.B. 152 into S.B. 144 and have one hearing.

SENATE BILL 144: Revises provisions governing traffic laws. (BDR 43-72)

SENATE BILL 152: Makes various changes to provisions governing public safety. (BDR 43-17)

Senator Mark Manendo (Senatorial District No. 21):

As Senator Hammond stated, S.B. 152 is a bill Senator Spearman sponsored which is similar to Senate Bill No. 179 of the 77th Session. With Senator Spearman's approval, the coalition worked together creating S.B. 144.

This year is off to a deadly start on the Las Vegas Valley roadways. Six weeks into the year there were 12 pedestrian deaths in Clark County, with 9 of the deaths in the Las Vegas Metropolitan Police Department's (LVMPD) jurisdiction. This is a 350 percent increase over the same time last year. A lack of basic infrastructure, such as sidewalks, crosswalks and signals, as well as a person's age and crossing distance are part of the deadly equation. The most recent traffic data released from LVMPD shows half of the deaths this year are due to pedestrian errors.

The average age of pedestrians being hit has increased. A few years ago, pedestrians between the age of 36 and 46 were most likely to be killed on Las Vegas roadways. Now, pedestrians in their 50s and 60s are dying more often.

An average walker travels approximately 3.5 feet per second, and a large segment of elderly in our population cannot walk fast enough to cross streets safely.

Officers are targeting intersections and crosswalks throughout the Valley. Police and safety advocates state that it is the responsibility of everyone to reduce roadway deaths. Thus, the Pedestrian Education and Legislation Task Force and the State Strategic Highway Safety Plan Critical Emphasis Area Team have been working the last 2 years to craft S.B. 144.

The City of Las Vegas is working on secondary lighting for sidewalks that will help keep pedestrians visible at night. They also adjusted the timing of traffic signals to give pedestrians more time to cross the street.

In southern Nevada, beginning in March 2015, there is a \$40 million project on Flamingo Road. Flamingo Road is a long stretch of road going from east to west in Las Vegas. Since Flamingo Road has such a high volume of pedestrians on the roadway, there will be 100 new transit shelters, traffic signal upgrades, flashing lights, crosswalk signals and additional pedestrian crosswalks installed.

Erin Breen (Director, Vulnerable Road Users Project, Transportation Research Center, University of Nevada, Las Vegas):

Pedestrian safety is a critical issue. Clark County has most of the attention because there are more pedestrians who die on the roads due to a larger population. Clark County is not the only community in the State that is suffering from losing people crossing streets. The Nevada Department of Transportation (NDOT), the Regional Transportation Commission of Southern Nevada, the Regional Transportation Commission of Washoe County and other entities across the State are doing all they can to protect pedestrians. Advocates across the State are also trying to educate pedestrians and drivers. Legislation is needed to help these agencies accomplish their goals and drive down pedestrian fatalities.

The urban areas of Washoe and Clark Counties account for 85 percent to 90 percent of pedestrian fatalities, with 10 percent of fatalities in the rural counties. To address pedestrian fatalities from a legislative standpoint, professionals from across the State have been involved in crafting S.B. 144. These same professionals also helped in creating S.B. 152. Senate Bill No. 179 of the 77th Session passed the Senate unanimously, only to be changed in the Assembly.

I am here to present S.B. 144. Anything controversial has been taken out of the bill. With Senator Spearman's approval and willingness to present only one bill to the Committee, a couple of components from S.B. 152 have been included in S.B. 144.

Section 1 of S.B. 144 will establish guidelines allowing local governments, including the NDOT, to establish safety zones in areas determined to be dangerous for pedestrians that could be improved with added attention to the

hazards pedestrians face. Notifying drivers of potential decreased speeds and increased fines with signage similar to work zones at the beginning and the end of the pedestrian safety zone would help pedestrian safety. Section 1 of S.B. 144 continues to include conforming language for existing traffic laws included in sections 2 through 21 and sections 23 to 30.

The second change is in section 18, subsection 7 of S.B. 144. This clarifies that vehicles making a permissive turn on a green light must yield the right-of-way to pedestrians in the crosswalk. The language currently allows flashing yellow arrows to tell a motorist they can make a left-hand turn when there is a gap in traffic. There is no specification in the language stating they are responsible to yield to the pedestrian who has the right-of-way at the same time. The new language clarifies that the driver must yield to pedestrians. In the City of Las Vegas, the flashing yellow is also used for right-hand turns because drivers are not yielding to pedestrians in the crosswalk.

In section 22 of S.B. 144, language is added to the existing school zone and school crossing zones. The new subsection 3 in section 22 of S.B. 144 prohibits a U-turn in an active school zone. This is traditionally defined as when children are present in the 30 minutes before and the 30 minutes after the school day or when flashing lights are active. Many schools have posted signage of no U-turns because it cuts the conflict in half for the children crossing the street. We are requesting that section 24, subsection 4 of S.B. 152 be incorporated into section 22 of S.B. 144.

Chair Hammond:

To clarify, section 24, subsection 4 of S.B. 152 is to be added to section 22 of S.B. 144.

Ms. Breen:

Yes, that is correct.

Chair Hammond:

Is this the only change that is being requested?

Ms. Breen:

Yes, this is the only change. Senator Manendo did not want to add any unfunded mandates so the bill could be passed and save lives on Nevada roads.

Chair Hammond:

Which term is to be used in S.B. 144, section 18, subsection 7, paragraph (a), “stop” or “yield?” In testimony, we heard you say a driver must yield for pedestrians when making a permissive left turn, but in S.B. 144, it says a vehicle must stop.

Ms. Breen:

Yield. Changing yield to stop was one of the potential changes we were going to make to this bill, but decided against it. The current law states a driver must yield to a pedestrian. It is not stated very clearly, but states that as a pedestrian is crossing the street and gets to the halfway point and it appears that it could be a danger to the pedestrian, then the drivers are required to yield to the pedestrian. The sad reality is that as long as you do not hit the pedestrian, it is okay to turn. This is why we wanted to change yield to stop. After research revealed that the monies required to make the change could not guarantee the results we wanted, it was decided to use the monies we could garner for more crosswalks.

Senator Manendo:

Would you please give us your thoughts on why we are seeing so many pedestrian deaths?

Ms. Breen:

In Clark County especially, we have “mean” streets. This State was built and expanded post-World War II, when people had easier access to vehicles and started owning cars. The State was developed for cars and the vast majority of people drive. There is a dichotomy between moving traffic and having vulnerable road users share that same road. There are greater and greater conflicts in having enough capacity for vehicles and others who share the road. If the State could do a better job of keeping people, especially the children and the elderly, safer as they cross the streets, we would see more people out walking. There are long stretches of wide roads without safe places for people to cross the street. On streets that have continual flashing lights for crosswalks, there is a tendency for people who drive them every day to forget the crosswalks are there.

Five years ago when we looked at Washoe County, the fatalities were 50 percent on slow-speed roads and 50 percent on higher-speed roads. We are starting to see more of the high-speed roads coming into play

with pedestrian-related crashes. We have to give pedestrians safer places to cross that include enhanced lighting so they can be seen. In addition, there are pedestrians who dash out into the road, who wear dark clothing or clothing that blends into the pavement. With NDOT's help, there are a multitude of issues that each county across the State is trying to address. The NDOT just committed \$10 million to the State to enhance pedestrian safety, but the State needs more funding, better crosswalks and drivers to yield to pedestrians when the pedestrians are doing the right things.

Additional funding for the education of drivers and pedestrians is also required. As part of S.B. No. 179 of the 77th Session and included in S.B. 152, was a mandatory class that a driver or pedestrian would have to take if that person had a violation. A class has been developed, and today we are hoping justice court in Clark County will green-light the pilot program beginning March 1, 2015. If this program works, it will be spread across the State as part of each jurisdiction's justice system and not an unfunded mandate for a department in the State to oversee.

Chair Hammond:

I would like to clarify that S.B. 144, section 18, subsection 7, paragraph (a), states "must stop." Do you want a conceptual amendment to change "must stop" to "must yield" or "yield?"

Ms. Breen:

Yes, we would like it changed to "yield."

Chair Hammond:

We will make the change from "must stop" to "yield."

Brian O'Callaghan (Las Vegas Metropolitan Police Department):

The Las Vegas Metropolitan Police Department supports S.B. 144.

Craig M. Stevens (Clark County School District):

The Clark County School District supports S.B. 144.

Mary Pierczynski, Ed.D. (Nevada Association of School Superintendents):

The Nevada Association of School Superintendents supports S.B. 144.

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David Cherry (City of Henderson):

The City of Henderson supports S.B. 144.

John Fudenberg, D-ABMDI (Assistant Coroner, Office of the Coroner/Medical Examiner, Clark County):

Clark County is in support of S.B. 144.

Chair Hammond:

With no further testimony or business before the Committee, this meeting is adjourned at 9:06 a.m.

RESPECTFULLY SUBMITTED:

Tammy Lubich,
Committee Secretary

APPROVED BY:

Senator Scott Hammond, Chair

DATE: _____

| EXHIBIT SUMMARY | | | | |
|-----------------|---------|---|-------------------|-------------------|
| Bill | Exhibit | | Witness or Agency | Description |
| | A | 1 | | Agenda |
| | B | 5 | | Attendance Roster |