

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Eighth Session  
March 3, 2015**

The Senate Committee on Transportation was called to order by Chair Scott Hammond at 8:30 a.m. on Tuesday, March 3, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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

**GUEST LEGISLATORS PRESENT:**

Senator David R. Parks, Senatorial District No. 7

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Erin Neff, Public Information Manager, Clark County Regional Flood District  
Sandy Heverly, Executive Director, Victim Advocate, STOP DUI, Inc.  
Erin Breen, Director, Vulnerable Road Users Project, Transportation Research Center, University of Nevada, Las Vegas  
Brian Sanchez, Assistant Chief, Nevada Highway Patrol, Department of Public Safety

**Chair Hammond:**

We will begin the hearing on Senate Bill (S.B.) 156.

**SENATE BILL 156**: Makes various changes concerning motor vehicles.  
(BDR 43-11)

**Senator David R. Parks (Senatorial District No. 7):**

Senate Bill 156 is a proposal to charge for the cost of the rescue of any motorist who becomes stranded after driving around barricades to enter a flooded stretch of roadway. I am including a written copy of my testimony for the record ([Exhibit C](#)).

If public emergency services, such as swift-water rescue teams, paramedics or helicopters are called to rescue the motorist and/or tow the vehicle out of danger, the motorist is liable for the cost of the rescue and can be billed up to \$2,000.

The goal of S.B. 156 is for emergency service providers to be reimbursed for the cost of rescues. A secondary goal of this bill is publicity. If the danger in being swept away and the possibility of being killed by floodwaters does not resonate with the motorist, then maybe the expense of having to pay for the rescue will.

**Senator Gustavson:**

Is this only for a motorist who deliberately drives through or around a roadblock into a flooded area? This would not affect a motorist who is caught accidentally in a flooded area.

**Senator Parks:**

Yes, it is intended for the driver who ignores the warnings and proceeds around a barricade.

**Chair Hammond:**

To be sure I understand, there are other provisions for police and other rescuers to cite motorists. Senate Bill 156 proposes a citation and adds a maximum cost of \$2,000 for the rescue. In addition, if motorists disagree, they have the recourse to appeal in a court of law.

**Senator Parks:**

Yes, that is correct; this can be appealed.

**Chair Hammond:**

Senate Bill 156 is a proposal to be able to cite and charge motorists who ignore the warnings and barricades to drive through deep water.

**Senator Parks:**

Yes, that is correct. It is also a publicity tool that would be good for use by the regional flood control districts and for other public service messages.

**Erin Neff (Public Information Manager, Clark County Regional Flood District):**

The Clark County Regional Flood District supports S.B. 156.

**Chair Hammond:**

The hearing on S.B. 156 is closed. We will open the hearing on S.B. 188.

**SENATE BILL 188:** Revises provisions relating to vehicle collisions.  
(BDR 43-674)

**Senator Mark A. Manendo (Senatorial District No. 21):**

After years of speaking at different community events and in the Legislature on public safety, I was asked to bring this proposal forward. Vehicle crashes and injuries are predictable and preventable events. The continued use of the word, "accident," promotes the concept that events are outside of human influence or control, when they are predictable results of specific actions. Since the causes of crashes can be identified, actions can be taken to alter the outcomes and avoid collisions. These events are not a result of natural causes, but predictable results of the laws of physics. The concept of the word, accident, works against bringing the appropriate resources to bear on the enormous problem of motor vehicle collisions. Continuous use of accident fosters the idea that the resulting injuries are an unavoidable part of life. "Crash," "collision," "incident" and "injury" are the more appropriate terms and should be encouraged as substitutes for accident.

Within the U.S. Department of Transportation (USDOT) and National Highway Traffic Safety Administration (NHTSA), accident will no longer be used in materials published and distributed by the agencies. In addition, the NHTSA no longer uses accidents in speeches, public events, public remarks and

communications with news media, individuals and groups in the public or the private sectors. Recently, two other USDOT agencies, the Federal Highway Administration and Research and Special Programs Administration, joined former NHTSA administrator, Ricardo Martinez, M.D., in endorsing the goal to eliminate accident from agencies' vocabulary. In this manner, attention will be focused on causes of crashes and what can be done to prevent collisions and the resulting injuries. Behavior can be changed by the way events are thought of and the words used. Our goal is to eliminate the word, accident, from the realm of unintentional injury on the highways and across the Nation.

Unfortunately, on a daily basis, we see in the news crashes happening all over Nevada and the Country. I am seeing a move by the media to change accident to crash in public safety awareness events.

**Chair Hammond:**

It sounds to me that the intent is to attempt a change in vocabulary to change the attitude or perception of what is avoidable and what is not avoidable. With NHTSA and other federal agencies changing over to the word, crash, it seems a natural fit for us to use crash.

**Sandy Heverly (Executive Director, STOP DUI, Inc.):**

Some people may think this bill is just a matter of semantics; however, STOP DUI is in support of S.B. 188. We at STOP DUI believe word choice does matter when trying to change misguided and antiquated perceptions.

Behavior can be affected by changing the way we think about events and the words used to describe them. I am including a written copy of my testimony for the record ([Exhibit D](#)).

Motor vehicle crashes and injuries are predictable and preventable events. Continued use of accident promotes the concept that these events are outside the realm of human influence or control, when in fact they are predictable results of specific actions.

In 1997, at the Lifesavers 15 conference in Orlando, Florida, under the direction of then NHTSA Administrator Ricardo Martinez, M.D. and the USDOT, NHTSA kicked off the "Crashes Aren't Accidents" campaign. Traffic safety advocates, the Federal Highway Administration and the Research and Special Programs Administration also supported the campaign. Doctor Martinez stated that

accident would no longer be used in materials published and distributed by the agency or in speeches or other public remarks, including communications with the news media, individuals or groups in the public or private sector.

STOP DUI also agrees with the *Journal of Traumatic Stress*, that the terminology, motor vehicle crash, encompasses a wider range of potential causes for vehicular collisions than does the term, accident.

Most importantly, characterizing a crash as an accident when the driver was under the influence of alcohol, drugs, or in other cases that involve speeding, texting, talking on a cell phone, road rage or reckless driving, may potentially impede the recovery of the innocent victim, as he or she tries to work through and comprehend the trauma of an event.

Missouri; Kansas; Illinois; New Jersey; Ohio; Florida; Raleigh, North Carolina; Tennessee and Louisiana, all implement crash or collision in some form in their local or state traffic-related reports. Arizona has not had an accident report since 2009. All are called "crash" reports.

In March 2013, then New York City Police Commissioner Raymond Kelly noted, "In the past, the term accident has sometimes given the inaccurate impression or connotation that there is no fault or liability associated with a specific event." Commissioner Kelly went on to say that the New York Police Department would begin using the term collision instead of accident to describe crashes and the Accident Investigation Squad was renamed the Collision Investigation Squad.

Nevada has been the leader in many areas of traffic safety, but falls short in this one. The current accident terminology diminishes the behavior and inadvertently deflects the blame. The innocent victims in these situations deserve better.

STOP DUI respectfully requests your favorable support for S.B. 188.

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

Changing the way we think about events and the words we use will affect the way we behave. Our goal is to eliminate the word, accident, from the realm of unintentional injury on the highways and across the Nation. Whereas motor vehicle crashes and injuries are predictable and preventable events, continued use of the word, accident, promotes the concept that these events are outside

the realm of human influence or control. In fact, they are predictable results of specific actions. Whereas we can identify their causes and take action to avoid them, these are not acts of God, but predictable results of the laws of physics.

In the State, the Nevada Highway Patrol (NHP) has started to change the language and its former Major Accident Investigation Team has been changed to Multi-Disciplinary Investigation and Reconstruction Team (MIRT). After 5 years of a steady drop in fatalities in the State, we have seen an increase in the last 3 years. Allowing for the change from accident to crash sends a message that we are leaving nothing undone in our effort to save lives. It is a tool in the toolbox and a great educational opportunity for those of us who try to educate people about saving their own lives.

**Brian Sanchez (Assistant Chief, Nevada Highway Patrol, Department of Public Safety):**

The Department of Public Safety has already started its progression towards crash within the agency and in our publications. As Ms. Breen testified earlier today, our experts in reconstruction are now known as MIRT.

There are no accidents; they are crashes. When we make this adjustment, it will unify Nevada government and the experts working in transportation and traffic safety.

The work is being done by the safety experts at the NDOT and the NHP. The use of crash joins us together in this movement and supports the other interest groups in Nevada. This terminology is sound. People make decisions and people crash.

**Chair Hammond:**

Are you also using this terminology with your reports?

**Mr. Sanchez:**

Yes, we are beginning the migration to crash; it is not complete, but we are moving in that direction.

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**Chair Hammond:**

The hearing on S.B. 188 is now closed. There are no further questions or public comment; this meeting is adjourned at 8:56 a.m.

RESPECTFULLY SUBMITTED:

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Tammy Lubich,  
Committee Secretary

APPROVED BY:

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Senator Scott Hammond, Chair

DATE: \_\_\_\_\_

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 156	C	1	Senator David R. Parks	Written Testimony
S.B. 188	D	2	Sandy Heverly	Written Testimony