

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Eighth Session
March 10, 2015**

The Senate Committee on Transportation was called to order by Chair Scott Hammond at 9 a.m. on Tuesday, March 10, 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

GUEST LEGISLATORS PRESENT:

Senator Ben Kieckhefer, Senatorial District No. 16

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Jude Hurin, Services Manager, Division of Management Services and Programs,
Department of Motor Vehicles
Kate McCullough, Nevada Donor Network
Mendy Elliott
Kimberly Marsh Guinasso, California Transplant Donor Network; Sierra Donor
Services
Rod Cooper
Rudy Malfabon, P.E., Director, Nevada Department of Transportation

Senate Committee on Transportation
March 10, 2015
Page 2

Dennis Osborn, Chief, Nevada Highway Patrol, Department of Public Safety
Eric Spratley, Lieutenant, Sheriff, Washoe County
Paul Enos, CEO, Nevada Trucking Association
Alistair Chapman, M.D., University of Nevada School of Medicine
Chad Dornsife, National Motorists Association
Ben West, Traffic Records Coordinator, Office of Traffic Safety, Department of Public Safety

Chair Hammond:

We will begin the hearing on Senate Bill (S.B.) 206.

SENATE BILL 206: Revises provisions relating to organ donation. (BDR 43-215)

Senator Ben Kieckhefer (Senatorial District No. 16):

Senate Bill 206 is designed to increase the number of organ donors in our State. The State has come a long way in the past couple of years in terms of the opportunity for organ procurement, and we need to continue in order to save lives. Senate Bill 206 revises provisions regarding the process for indicating on a driver's license, ID card and other instructional permits whether a person wishes to be an organ donor. This is one of the primary avenues by which people self-designate as donors. When the Department of Motor Vehicles (DMV) issues a driver's license, ID card or certain permits, the person has an opportunity to indicate a preference to donate all or part of his or her body or refuse to make an anatomical gift.

Section 1, subsection 6, paragraph (a), subparagraph (2) and section 2, subsection 4, paragraph (a), subparagraph (2) of S.B. 206 revise this language to "not at that time," rather than "do not" want to be a donor. Stating that a person refused to be a donor was too strong and definitive, whereas a person may have a change of mind at a different point in that person's life. Stating, not at this time, opens up a window for people to indicate that later they may wish to donate.

Sections 1 and 2 of S.B. 206 also require, upon renewal of a license, the DMV to provide notice to the person who previously elected to be a donor that, unless there is a change of donor status, the license will show that person is a donor moving forward.

A person who previously chose not to donate will be given the opportunity to become a donor at license renewal. This section also requires the DMV to place a symbol or indicator of a medical condition on a license, if the DMV has established such a program already or in the past.

Section 2 of S.B. 206 makes all the same changes to ID cards, which would include driver authorization cards. Sections 3 and 4 of S.B. 206 put into statute the definitions of eye bank and tissue bank to clarify each of the accredited and appropriate associations with those donor networks.

This is an opportunity to save lives and help our fellow man. Organ or tissue donation transplant brings a second chance at life for thousands of people every year. Just one donor can save up to eight lives. The first step is to sign up, and S.B. 206 provides an opportunity for a person to indicate the preference to be a donor. This can increase the number of people who choose to donate in our State.

By allowing a person to choose to be a donor when first applying for a driver's license or ID card, the individual clearly indicates the preference. Once that decision is made, the person should not need to make that decision every visit to the DMV for a license or ID card renewal. At the same time, a person who has changed donor preference will have the opportunity to indicate as such through this process.

On behalf of the people who have experienced the lifesaving benefits of organ donation and respecting the individual right to choose, I urge the Committee to enact this legislation.

Chair Hammond:

When this bill first came up, my understanding was that the DMV would automatically enroll you in the program, and then if you decide you do not want to donate, you would have to opt out.

After reading the bill, that is not the intent of S.B. 206. To clarify, if you are a first-time recipient of a driver's license or driver's privilege card in the State will you still get the question, "Would you like to be an organ donor?"

Senator Kieckhefer:

Yes; this is not an opt-out bill. Senate Bill 206 ensures the opportunity to opt in is readily available, and that once an individual has made that designation, it will carry forward at license renewal.

Senator Denis:

With the driver's license renewals being changed to every 8 years, is there a way that a person can change it earlier and not pay for renewal?

Senator Kieckhefer:

There are multiple avenues a person can designate to become a donor. The DMV has a partnership with the official body that keeps track of who has or has not designated themselves as a donor. There are other avenues, but the DMV should be asked if there is another way without having to wait until renewal.

Senator Farley:

Is this a question that can be asked when a person registers a car?

Senator Kieckhefer:

I do not believe an individual can do so at this time. The current mechanism is through the license, which is an ID that is tied to that person. The idea is that if there is an accident, your ID card states your preference in the matter. Tying it to the registration of a vehicle does not have the same connection, but it is another contact with that motorist which could be appropriate.

Senator Farley:

Could the driver's license and the car registration be routed into the national database?

Jude Hurin (Services Manager, Division of Management Services and Programs, Department of Motor Vehicles):

In response to Senator Denis' question, the DMV would hesitate to use a sticker because it would block the security features on the driver's license.

Regarding the registration, we do have the license plates for the organ donors. The DMV is always open to other alternatives with the organ donor program. There are no forms used when registering a vehicle. When renewing a driver's license, there is a form for the individual to complete indicating whether that person wants to be a donor.

Senator Gustavson:

This information is kept in a national database. If you do not have a sticker or insignia on the driver's license, can someone go down to the DMV and have his or her name put into the database, even if it is not on a license?

Mr. Hurin:

Yes, you are correct.

Chair Hammond:

To clarify, even if it is not indicated on the license, an officer can search the database and find that an individual is indicated as an organ donor.

Mr. Hurin:

Yes, you are correct. In order to put the symbol on the card, there is a \$3.50 minimum charge for the vendor to create the card with the symbol on it. If a person wants to register without the symbol on the card, I believe the DMV can do that, but I would have to look into the technical logic behind the scene of sending that data.

Chair Hammond:

If that could be done, it would be good. That way if a person wants to sign up and pay the \$3.50 the next time they renew, it would automatically go in the database.

Senator Denis:

Is it correct that an individual would have to pay the \$3.50 only for a reissued card? You can just register for donation directly to the database. Not knowing the current procedure, if a person dies in an accident, do the first responders just look at the license or look in the database?

Mr. Hurin:

I do not know the answer to the questions. Putting the symbol on the card would expedite the time to identify the person as a donor at the time the incident occurs. Whereas, if the person is only in the database, it could take critical time going through the law enforcement database to determine the person is an organ donor. The card would expedite the process.

Kate McCullough (Nevada Donor Network):

The Nevada Donor Network (NDN) is the federally designated organ procurement organization serving 80 percent of the State. I am including a written copy of my testimony for the record ([Exhibit C](#)).

More than 123,000 people in the United States are awaiting life-saving organ transplants, with more than 550 of them from Nevada. Every 10 minutes a new name is added to the waiting list, and 21 die every day in this Country because there are not enough donors to meet the demand.

In addition, thousands of others are in need of healing tissue and corneal transplants. Thanks to partnerships with Nevada hospitals and community partners, there has been a dramatic rise in the number of organ, eye and tissue donors in the State over the last 3 years. However, Nevada is still lagging behind the rest of the Country in terms of residents who are registered donors. The State currently ranks fortieth out of the fifty-two donor registries in the United States. This is due to the low number of registered donors compared to the eligible population. Many factors contribute to this shortfall and S.B. 206 will help ensure that registered donors remain on the registry, by default, when renewing their licenses unless they opt out.

At this time if an individual is a registered donor, before that person renews a license or ID card and does not positively reaffirm to register as a donor, the individual is removed from the donation registry by default. The Nevada Donor Network's preference and best practice in other states is that once someone has declared a "yes" to organ and tissue donation, then that yes will carry over at the time of renewal unless otherwise changed by the applicant. Ohio and Maryland have recognized this potential pitfall and changed their systems to allow a yes declaration to carry over and remain a yes unless the applicant declines to remain on the registry.

The NDN recognizes that the language on the current driver's license and ID card may be confusing to the family of a potential donor when faced with the decision of whether to donate their loved ones' organs and tissues. The organ donation question on the DMV application requires a simple yes or no answer, and some applicants may select no simply because they do not know enough about the lifesaving benefits of donation or they are not ready to make the decision at that exact moment. Later, an applicant may change his or her mind

and decide to become a donor, but if that person did not change the designation to yes, it leaves that person's family with a difficult decision.

Senate Bill 206 proposes to replace the answer no with not at this time. This would not preclude the next of kin from granting authorization for donation in light of new information subsequent to that event.

The NDN supports S.B. 206, which would require any entity engaged in the procurement, storage and distribution of tissues and corneas for transplantation and research from deceased donors in Nevada, to be formally accredited by the nationally recognized American Association of Tissue Banks (AATB) and the Eye Bank Association of America (EBAA). In order to ensure the maximum safety and reverence for descendants in Nevada, as a federally designated organ procurement organization and principal tissue and eye bank, the NDN requires accreditation by the AATB and EBAA. This will preserve and strengthen the public trust in the fragile system of organ and tissue donation in Nevada. There have been examples around the Country of unscrupulous entities engaging in fraudulent and unethical practices related to our mission, and S.B. 206 will help avoid these issues in Nevada.

Some entities operating in the State may view this step as onerous and unnecessary. As an organization accredited by the AATB and EBAA, the NDN believes this is a small price to pay for those who trust us, upon their deaths, to facilitate their gifts for transplantation and research.

Chair Hammond:

You mentioned the procedure of becoming a donor and I want to clarify. Drivers have to opt in when obtaining their first driver's licenses or privilege cards, and the DMV has to ask the question, "Would you like to be a donor?"; that person has to answer, "Yes." What the NDN is asking for in S.B. 206 is whenever an individual renews a driver's license, that the donor status continues unless it is stated to be removed. If the applicant does not say yes, that person is automatically dropped from the registry. Is this correct?

Ms. McCullough:

Yes, that is correct.

Chair Hammond:

In regard to the application, you also stated instead of marking no, you want to be able to mark not at this time. Is this also part of the bill?

Senator Kieckhefer:

Yes, it is in section 1, subsection 6, paragraph (a), subparagraph (2) of S.B. 206.

Chair Hammond:

If a person chooses, "Not at this time," at what point can the license or ID card be renewed? Can a person come back at any time to renew and be added to the donor registry?

Senator Kieckhefer:

Any of those points of entry or anytime the individual wishes to register as a donor, that person can go to DMV and do so. The intent is to ensure that when the individual indicated not to sign up as a donor, it was a decision made at the time of renewal and may not accurately reflect that person's current wishes. In addition, it could help guide the person's family in making decisions.

Chair Hammond:

It is also to help the individual think a little bit more about being a donor and do the research concerning being a donor. Is this what you were thinking of, Ms. McCullough?

Ms. McCullough:

Yes, it absolutely is.

Senator Farley:

Ms. McCullough, another opportunity might be if an individual put no, not at this time, then was in a fatal accident years later. If the individual had indicated no, would it prevent the family from allowing a donation? If an individual marked, not at this time, would this create the opportunity for the family to allow the donation?

Ms. McCullough:

It would not prevent the family from allowing a procurement organization to proceed with the organ donation process, but it would help the family when

faced with the decision. If an individual says no to organ donation, the next of kin has to make the decision for the individual.

Senator Farley:

If I mark no, does it preclude my family from allowing a donation?

Ms. McCullough:

No, it does not; it just leaves the decision up to the family.

Senator Denis:

If an individual marks not at this time, is there a way that information can be sent to that individual about being a donor now or in the future?

Mr. Hurin:

The DMV provides pamphlets to the individual who has signed up to be an organ or an anatomical gift donor. The DMV could expand that if the individual checked Not at this time, we could add giving that individual a pamphlet to our procedures.

Chair Hammond:

Should there be another box added to send more information?

Mr. Hurin:

In the office, we can handle it right at that time. There would be more complexity concerning the portals, Web or renewal-by-mail processes. This would increase the postage cost to the Department, but the DMV would be open to that.

Senator Kieckhefer:

I would not want to start putting processes in place that could become exceedingly more burdensome to the DMV. There is already a fiscal note on this bill due to programming; putting an additional burden on the DMV could be cost prohibitive at this point.

Senator Manendo:

Ms. McCullough, if an individual does not have a donor symbol on his or her driver's license and passes away in a crash, then it is not considered a no, and it is up to the next of kin to decide?

Ms. McCullough:

Yes, that is correct.

Senator Denis:

Mr. Hurin, you mentioned that the DMV is giving information to individuals. In essence, it would not add any additional cost or change procedure if you did not have any special request to mail information to an individual. If individuals say no, you do not give them any information, but if individuals say maybe, it is considered a yes and you would give the individual the information?

Mr. Hurin:

Yes, you are correct. If it is limited to the field offices, that would be the best approach.

Mendy Elliott:

I would like to thank Senator Kieckhefer for bringing forward S.B. 206.

In December 1966, my father, William Karraker, was admitted to the hospital and diagnosed as having a heart attack. After months and several years of endless events, my father was referred to Stanford Medical Center where it was determined he would undergo an experimental procedure, known as a heart bypass. During the surgery, it was determined that he had not suffered a heart attack but was diagnosed with cardiomyopathy. On November 22, 1968, my father became the eighty-sixth heart transplant recipient in the world and the eighth recipient at Stanford Medical Center. He was featured in *Life Magazine* on October 24, 1969, in an article titled, "A Brotherhood of Borrowed Time."

My father was not only a great man; he was a highly decorated World War II and Korean War navigator. He flew the Memphis Belle home from Europe after over 55 missions into Germany. My father always faced challenges and opportunities head on and without fear. My father passed away 11 months later on August 31, 1969.

My father had to wait for a donor with the same rare blood type and sadly, he had to wait until a young man was killed in a motorcycle accident. During the time after the transplant, he was able to be an advocate for research dollars and education, educating family and volunteering loved ones as potential donors. He was the president of the world's first heart transplant club.

My father was one of the bravest people I know and to this day, each member of my family is a transplant donor volunteer. My father gave his life so others might live; S.B. 206 will ensure that if something unfortunate does happen other individuals will also be able to join the brotherhood of borrowed time.

Kimberly Marsh Guinasso (California Transplant Donor Network; Sierra Donor Services):

The California Transplant Donor Network (CTDN) is a nonprofit donor network that is federally designated for northern Nevada to recover organs and tissues. The CTDN has served northern Nevada for almost 30 years. I am also representing Sierra Donor Services (SDS), which is an organization that provides tissue bank services within Nevada, primarily the Reno area, but also in northern California. The CTDN and SDS are in support of sections 1 and 2 of S.B. 206.

The CTDN and SDS are neutral to sections 3 and 4. Sections 3 and 4 are making changes to the Revised Uniform Anatomical Gift Act. This is a uniform law set forth in *Nevada Revised Statute* 451. The changes that would be made in sections 3 and 4 would be specific for Nevada, and that would be different from the uniform laws that are in other jurisdictions.

The CTDN and SDS do not consider the changes in sections 3 and 4 onerous. They comply with the requirements that the CTDN and SDS provide. The CTDN and SDS are third-party voluntary organizations and are not governed specifically by federal or state laws, which is what is in the existing language. This will make a change to a uniform law that is currently uniform.

Chair Hammond:

Yes, thank you for bringing this to our attention; we will give it the consideration required. Please work with Senator Kieckhefer, the sponsor of S.B. 206.

Rod Cooper:

I testified in support of Senator Kieckhefer's bill in 2011. I am very busy building highways and bridges for the State and other locations as well. Stress is the number two cause of kidney failure. In early 2009, I was having issues and learned that both of my kidneys had failed and I required a transplant. I had no idea of how to spell transplant, what it was or where help could be located.

I was put on two lists, and it would have been 5 to 7 years before I would get a kidney. In 5 to 7 years you are either on dialysis or possibly dead. I was very fortunate that my wife matched, and she gave me one of her kidneys. The quality of life I have today came from an organ donation. According to my doctor, there are 900 people in Nevada in need of a kidney transplant.

We need to broaden the donation base and encourage participation in the donor programs. I request S.B. 206 be passed and moved forward.

Mr. Hurin:

Senate Bill 206 proposes to clarify and expand the role of the DMV when offering customers the ability to become organ donors or donate to the anatomical gift fund during the driver's license issuance and renewal process. The DMV provides customers with the opportunity to become organ donors at the time of issuance and renewal in our field offices through the customers' individual portal accounts or through renewal by mail as well as kiosks.

Senate Bill 206 would require the DMV to enhance the current business portal, Web and kiosk systems to allow the customers to donate to the anatomical gift fund as well. The fiscal note provided by the DMV reflects the estimated cost to enhance our system in order to comply with S.B. 206. As a point of interest, in fiscal year 2014, the DMV collected \$66,000 for the anatomical gift fund. By expanding the opportunities to donate through our portal, Web and kiosk systems, the likelihood of donations increasing is very high.

The DMV remains neutral with the proposed changes in S.B. 206 and is honored to be a long-standing partner with the Nevada Organ and Tissue Donor Program.

Senator Hammond:

The hearing on S.B. 206 is closed. We will open the hearing on S.B. 2.

SENATE BILL 2: Increases the maximum speed at which a person may drive or operate a vehicle. (BDR 43-13)

Senator Don Gustavson (Senatorial District No. 14):

Senate Bill 2 would change the current statute that frames the maximum speed limit allowed on Nevada highways. I would like you to watch this 1-minute video <<https://www.youtube.com/watch?v=HELUgO7z4Ew>> ([Exhibit D](#)).

The Nevada Department of Transportation (NDOT) is in charge of determining safety specifications on our highways. This legislation would enable NDOT the additional flexibility to increase the maximum highway speeds, now set at 75 miles per hour (mph) to 80 mph or 85 mph on traffic corridors it deems safe. Eighty mph or eighty-five mph limits are already allowed in Utah, Texas, Wyoming and as of July 2014, Idaho. The map ([Exhibit E](#)) shows that as speeds continue to increase on highways throughout the Country, the fatality rates continue to decrease, as reported by the National Highway Traffic Safety Administration.

The flexibility to enhance speeds will help ease fatigue and reduce travel time for motorists, truckers and commercial drivers. These findings have shown lower accident rates in areas where speed limits are legally increased.

Safety is NDOT's primary concern, and passage of this law does not mean that the NDOT is going to be posting 80 mph speed zones in Reno, Las Vegas or through congested urban areas.

Certain requirements will need to be in place when considering increased speed limits, such as locating rural areas that have low population density, acknowledging roadways that have acceptable roadway geometry and other factors such as being a divided highway with multiple lanes and limited access points.

This legislation only enables the NDOT to have additional autonomy to decide what roadways can be made safer in the near future and would provide additional structure that would allow our traffic engineers to design Nevada's future highways, such as Interstate 11 for elevated speeds.

Can a speed limit be too low? Traffic studies have shown there are disadvantages to setting limits unreasonably low. If drivers see an unreasonably low speed limit sign without the need to drive that slowly, drivers tend to ignore the sign, and over time, will begin to develop disrespect for speed limit signs in general.

Higher speeds are not the major cause of crashes and deaths. The following chart ([Exhibit F](#)) provided by NDOT shows that a person is more apt to be injured while traveling through a 45 mph posted speed zone, and ten times as

likely to be injured traveling through a 25 mph posted zone, than when traveling through a 75 mph posted zone.

Another chart provided by NDOT ([Exhibit G](#)) shows that during 2011 a person was more likely to be killed in a crash when traveling through speed zones posted at 45 mph, 35 mph or even 25 mph than traveling through a 75 mph speed zone. This judgment that "speed kills" has not shown to be the case.

Why would individuals oppose this bill? Often it is because there is a preponderant perception by the uninformed that "lower and slower" is inherently better. This is a predisposed statement made without regard to the many other dynamics that are factored in by experts when affirming road safety standards.

Legitimate traffic studies prove those worries are unfounded. The fact is injuries and deaths will be minimized if speeds are set properly to apportion the stream of traffic to flow at rates that reduce conflicts among the vehicles traveling the road.

There is the fear that if speeds are posted at 80 mph, then individuals will drive at 90 mph. Government agencies in Utah conducted a 3-year traffic study and concluded that average speeds increased just 2 mph, while accidents decreased 11 percent in one corridor and 20 percent in another. Overall, the study concluded that drivers tend to comply more with higher speed limits, making for a safer road for all drivers.

Unfounded statements by those who are uninformed regarding traffic studies are to be expected. More troubling are those who claim to represent the entire trucking industry. In reality, they represent only a few motor carriers whose workforce is made up of inexperienced student drivers. A few motor carriers argue against higher speed limits anywhere in the Country under the guise of promoting safety and improving the economy and ecology. All they are trying to do is selfishly level their playing field by eliminating the competition.

I am referring to the motor carriers who unsuccessfully push for a federal government mandate. This mandate would require speed limiters on all commercial trucks. They know that experienced professional truckers, who are paid by the mile, would rather drive for a carrier that believes in uniform speeds for their professional drivers.

Carriers who install speed limiters on their trucks know that every time a speed limit is increased in another state, it becomes more difficult to retain professional truckers, who refuse to be disadvantaged by irrational work practices, burn up precious service hours and harm their ability to earn money. The same carriers also know that when commerce lanes become more efficient to travel for everybody, it puts them in a deteriorating position and makes it difficult to compete with shippers who advertise and provide on-time services.

As a former truck driver, I chastise this select group of carriers who desperately build their fleets by filling up empty trucks with unseasoned student drivers.

This select group of carriers argues at the federal and state levels to mandate lower speeds to punish the entire trucking industry and other motorists who pay for the roads. It is a challenge for these carriers to fill their empty trucks, but the problems created are self-imposed. The measures taken by installing speed limiters have adverse consequences they alone must deal with.

The inexperienced drivers become frustrated when pressured to meet deadlines set by demanding dispatchers. Precious time is lost trolling down rural highways at reduced speeds and trying to make up time by "lead-footing" through congested areas.

This would explain why there was an actual 1.9 percent reduction in motor vehicle fatalities from 2010 through 2011 and a 20 percent increase of truck occupant fatalities for the trucking industry as reported by the National Highway Traffic Safety Administration on page 2 of "Traffic Safety Facts" ([Exhibit H](#)).

"Imposing Speed Limiting Technology on America's Trucks" ([Exhibit I](#)) reiterates what the Federal Motor Carrier Safety Administration and the U.S. Department of Transportation has confirmed. The majority of large truck fatalities occur on non-interstate highways where posted speed limits are set lower.

Those who argue for lower speeds are the ones who create the safety hazards. Their specious arguments for saving fuel or improving the economy and protecting the environment are easily dispelled. For example, they claim lower speeds save fuel and keep the air cleaner. The reality is slower moving trucks produce increased traffic congestion, causing the surrounding vehicles and commercial trucks to decelerate and accelerate when moving around them. These actions create more emissions and waste more fuel.

The inability for long-haul truckers to drive from point A to point B within allotted service hours requires more rest-overs. For refrigerated trailers, this requires more idling periods and more fuel is burned to cool or warm the cab for the sleeping driver, causing a furtherance of emissions.

If you want to learn more about their disingenuous practices and the harm caused by certain carriers who “cut” their trucks, read the front and back side of [Exhibit I](#).

Regardless of unsuccessful endeavors to make the Nation drive slower, we know that select carriers were encased in the same 3-year government studies that proved successful, regarding higher speed limits and better safety records. I would render their arguments as insincere and ask them to “pick up the pace” and choose safety over self-centeredness by providing better comprehensive training programs for their own student drivers.

They purport to represent the interests of the entire trucking industry, but [Exhibit I](#) dispels this claim and points out the overwhelming majority of small carriers make up 96 percent of the U.S. trucking industry and do not employ these speed limiters.

The Owner-Operator Independent Drivers Association, whose membership reaches in excess of 150,000 and collectively owns and/or operates more than 240,000 individual heavy-duty trucks and truck fleets, joins the majority of professional truckers stating that the safest policy is one that provides for uniformity in speeds. The Owner-Operator Independent Drivers Association adamantly opposes the unfounded and anticompetitive measures that are falsely promoted as safety initiatives such as the mandatory speed limiting devices for commercial motor vehicles.

The ability to lessen fatigue and travel time will benefit all motorists. For the trucking industry, this will help preserve service hours, facilitate commerce more efficiently among our trade routes and help keep the cost of goods consumer-friendly.

The opening of Texas State Highway 130, an 89-mile-long corridor, of which 41 miles of it are designed for 85 mph speeds for commercial trucks and motorists, was inspired by studies that showed traffic congestion along

Interstate 35 was draining the economy of more than \$194 million a year in higher operating costs and lost productivity.

Senate Bill 2 does not mandate the NDOT to do anything. It enables the Department to increase the speeds on the portions of highways they see fit to increase the speed limits. This is only on interstate highways.

Rudy Malfabon, P.E. (Director, Nevada Department of Transportation):

The NDOT is opposed to S.B. 2 for safety reasons. Our safety goal is "Zero Fatalities" and the NDOT feels the negatives outweigh the positives when motorists are traveling at faster speeds on our roadways.

Zero Fatalities is a vision to eliminate fatalities on our roadways. Every life matters and that is the reason the NDOT is opposed to S.B. 2.

In 2013, there were 78 run-off-the-road deaths in Nevada. With increased speeds, the likelihood of crashes being fatalities increases as well. The NDOT has concerns with speed differentials between cars and commercial vehicles. While increasing the speed limit may save time, the concern is that an increase in severe injuries and fatalities will result. The NDOT Board of Directors considered this issue at yesterday's meeting, and the direction to the NDOT was clear. In order to move our State in the direction of safer roads, the NDOT opposes S.B. 2.

Chair Hammond:

To clarify, this legislation is only enabling and you are telling the Committee that you would prefer not to have the authority to study or look at raising or lowering the speed limits in sections of the four-lane highways in Nevada. Is this correct?

Mr. Malfabon:

Yes, that is correct.

Senator Denis:

Since you oppose S.B. 2 and if the Committee passes S.B. 2, am I correct in assuming you will not do it?

Mr. Malfabon:

The NDOT would typically follow the direction from the NDOT Board. Any types of studies, costs and additional funds have to be approved by the Board. Any action the NDOT takes will follow the direction of the Board on this issue.

Senator Denis:

Has the Board voted that they oppose S.B. 2?

Mr. Malfabon:

During the director's report yesterday, S.B. 2 was discussed thoroughly, and the majority of the Board members expressed their opposition.

Senator Gustavson:

Do you believe the interstate highways in Nevada are designed less safe than they are in Utah, Wyoming, Texas or Idaho, where they have already allowed the speed limit to be increased?

Mr. Malfabon:

The NDOT would have to research the design and standards of interstate highways. The highways have changed as the interstate system has been developed. I cannot state what sections of highways are designed at certain standards compared to Utah's interstate system.

Senator Gustavson:

Is it not true that Nevada's interstate system was designed about the same time? Would you think that the interstates in Utah, Wyoming, Texas or Idaho were designed less safe than in Nevada?

Mr. Malfabon:

The interstate system was designed around the same time and built at different times. The NDOT would have to research what specific standards there were at that time and investigate what the design speeds were for specific sections of interstate in Nevada.

Senator Gustavson:

Yesterday, did the Board take an official vote on S.B. 2?

Mr. Malfabon:

No, the Board did not take an official vote. Yesterday there was a discussion during the director's report on this specific issue, and several Board members took that as an opportunity to express their opinions on S.B. 2.

Senator Gustavson:

If S.B. 2 were to pass, it would not affect the NDOT at this time. It would allow the NDOT, if it decided to do the studies, to increase the speed limits. This is only if the study shows that it is safe and reasonable to do so. Is this correct?

Mr. Malfabon:

I believe the Governor made a statement yesterday that he would have a vote on this also. The NDOT would need to have the Governor's approval.

Senator Denis:

The goal is zero fatalities. At the current speed limits, we still have fatalities; so are you suggesting that we should lower our speed limits?

Mr. Malfabon:

No, I am not suggesting that we should lower our speed limits. The NDOT has a certain process for establishing speed limits, and we stand by the speed limits. From time to time, the NDOT revisits the speed limits, not only on the interstates but also on local arterials that are state highways.

Dennis Osborn (Chief, Nevada Highway Patrol, Department of Public Safety):

The Nevada Highway Patrol (NHP) is in opposition to S.B. 2.

The energy that there is with the increase in the speed limit is kinetic energy. When you increase the speed, the laws of physics tell you the faster you are going, more energy is generated. This decreases the survivability of the occupants in the vehicle. The NHP does not believe it is a good idea to increase the speed, considering the simple laws of physics, the Zero Fatalities Campaign and interest in decreasing fatalities.

Nevada is unique compared to some states where there are very slow-moving vehicles, the heavily laden mining vehicle-passenger vehicle crashes where the passenger vehicle going the current speed limit of 75 mph rear-ends the slow-moving vehicle. My concern is the closing distance and the increase of energy with the increased speed. There is only one 41-mile section of highway

in Texas on Highway 130, and that was constructed in 2012. There is not enough data yet to say whether it was a good or a bad decision.

Senator Gustavson:

The same concerns that you mentioned are the same concerns other states have had. Would it really make any difference and why would that be different from the other states that have increased their speed limits to 80 mph?

Mr. Osborn:

Certainly, the 85 mph and the allowance up to 90 mph is what causes the NHP the most concern. The other states are at 80 mph, and they do not allow a 5-mph difference for 85 mph for an 80 mph speed limit and 90 mph for an 85 mph speed limit. This is unique to this bill with the exception of the one in Texas. In my opinion, it is different from the other states you mentioned.

Chair Hammond:

To clarify, there have been changes in other states—speed limits have gone up, and you would like to see more data before you could conclusively support a higher speed limit in Nevada.

Mr. Osborn:

Yes, we would like to see data specific to the 85 mph speed limit, but my stance is the same. In the interest of public safety, any time you have an increase in speed, you have an increase in energy and a decrease in the survivability rate of those crashes regardless of 80 mph or 85 mph.

Senator Denis:

Nevada Revised Statute 484B.617, subsection 1, paragraph (a) states, “The posted speed limit is 60 miles per hour and a person is not exceeding a speed of 70 miles per hour.” There is a \$25 fine. Is this how it currently works?

Mr. Osborn:

Yes, this is called the non-urban speed. If you are not in a congested urban area and are in a rural area, that is the fine with court assessment fees.

Eric Spratley, Lieutenant (Sheriff, Washoe County):

The Washoe County Sheriff’s Office (WCSO) is in opposition to S.B. 2 from the public safety and first responder standpoint. The more violent crashes investigated by the WCSO are the higher speed crashes.

In perspective, a vehicle traveling 65 mph is traveling at 95 feet per second, 75 mph is 109 feet per second and 85 mph is 125 feet per second. The skid-to-stop distances, from a local frame of reference, for a perfectly maintained vehicle on perfect asphalt, applying the brakes as fast as possible to stop at Mom and Pop's Diner from a speed of 65 mph, the skid would be 201 feet; this is from Mom and Pop's Diner to Comma Coffee. At 75 mph, the skid would be 267 feet; this is from Mom and Pop's Diner to the other side of the crosswalk in front of the Legislative Building. At 85 mph the skid would be for 344 feet; this is from Mom and Pop's Diner to mid-block.

There is a mysterious 10 mph buffer that people think exists; if the speed limit is posted at 65 mph, people believe they can go 75 mph. Therefore, if it is posted at 85 mph, WCSO believes they will go 95 mph. Braking at 95 mph, they would skid from Mom and Pop's Diner past 5th Street.

Senator Farley:

Since most people are already going 85 mph to 90 mph, does it make sense to look at S.B. 2?

Lt. Spratley:

I agree with a lot of the data presented here today, and I agree with the studies. The key to road safety is uniform traffic flow. If someone is going 65 mph and another is going 95 mph, due to reaction times and everything that has been spoken of, it is a terrible situation for a crash.

Uniform traffic flow is the key, but some of the larger vehicles simply cannot and should not be going that fast. The issue is when there are disparate speeds between vehicles. I understand; the vehicles are already going 85 mph and 90 mph and more enforcement needs to be done to bring down the speeds.

Senator Farley:

If we know we have a problem, should we not be looking at the problem and doing things on the other side to prevent accidents that we already know are happening?

Lt. Spratley:

Yes, we should look at it.

Paul Enos (CEO, Nevada Trucking Association):

The Nevada Trucking Association (NTA) is in opposition to S.B. 2. There are speed limiters in many trucks. The number one reason this is done is for safety.

The NTA believes a slower-moving truck that is not going 80 mph to 85 mph will result in safer highways, increased safety for the driver and more assurance that the load gets to its destination unscathed.

The kinetic energy for a vehicle traveling at 85 mph is double that for the same vehicle at 60 mph. It is substantial for an 80,000-pound load. I have looked for stopping distances for 80 mph, 85 mph and 90 mph for trucks, and have not been able to find any information. In talking with the experts and asking what the stopping distances are for a truck at those speeds, they say with drum brakes or even super drum brakes in a panic situation, the driver will step on the brake, the brakes will burn up, and the vehicle will go into coast mode before it stops. Therefore, the NTA has issues with trucks traveling at those speeds.

The NTA agrees with the previous testimony. It is not speed; it is uniformity that is needed and not vehicles traveling at different speeds. A driver will encounter slower-moving trucks going up steep grades. Accidents are already encountered at 75 mph, with trucks being run into the back by drivers not paying attention or not having enough time to make the evasive maneuvers needed to avoid an accident.

The NTA believes that having speed limiters is about safety and making sure the drivers and others on the road go home at night.

Senator Denis:

In addition to safety, do your trucks have to worry about saving money on gas?

Mr. Enos:

Yes, people do limit speed for fuel consumption as well and for fewer emissions, but the number one reason is for safety. Safety is the NTA's number one issue. If NTA does not have a safe operation or a truck is in an accident, there goes the profit and, potentially, the company.

Senator Gustavson:

When you have a speed limiter on the truck, it will drive slower than it normally would. Drivers normally drive along with the flow of traffic or what they feel is

reasonable and safe. Putting a limiter on vehicles causes them to decrease that safety factor by making them drive slower. Therefore, you have the normal highway traffic going faster and approaching them much quicker because they are limited. As I mentioned before, most of the truck accidents do not happen on the highway. According to statistics, they are off-highway. How can you say that limiting trucks is better?

Mr. Enos:

The safety professionals in the trucking industry have determined that slower speeds give truckers more time to maneuver in panic situations. It allows for shorter stopping distances in case a driver sees something up ahead and is going to have to stop. The safety professionals have taken those factors into consideration, and different companies have different speeds. Some companies will limit it at 62 mph and others will go up to 70 mph or 75 mph.

The safety professionals of the trucking industry have taken a look at the fleets and operations and said what will work best for us and for the drivers. They want to make sure the trucks are able to stop in panic situations.

Chair Hammond:

The speed limiters are good knowledge for the Committee, but it is not part of S.B. 2. Please keep to the specifics of S.B. 2.

Senator Farley:

We already know people take chances. My suggestion is that we give this matter more study and maybe we make better decisions.

Alistair Chapman, M.D. (University of Nevada School of Medicine):

I am a trauma surgeon and critical care fellow at the University Medical Center in Las Vegas, and am also speaking on behalf of my colleagues.

Many factors contribute to passenger injury; it is the transfer of kinetic energy that is the causal agent for injury and mortality. While the increase in speed from 75 mph to 85 mph may appear trivial, I can assure you it is not. In fact, this change results in a 28 percent increase in the energy of a crash. This increased energy is reflected in mortality studies. For example, one group reported that an increase in speed limits of only 4 percent resulted in a 17 percent increase in mortality on U.S. interstates. We know the risk of being involved in a motor vehicle crash increases exponentially with speed. The

collection of national trauma and traffic literature is definitive, increased speed leads to increased severity of injury and mortality.

In Nevada, we have confirmed this finding. In cooperation with three other Nevada trauma centers, we have examined nearly 10,000 motor vehicle and motorcycle crashes over the last 8 years. In those patients traveling more than 76 mph there were more in-hospital deaths and deaths on arrival than those traveling at lower speeds. Among the survivors of those traveling greater than 76 mph there were significantly more critical injuries that resulted in longer hospital and intensive care lengths of stay. Specifically, it was found that those traveling over 65 mph were 1.5 times more likely to have a severe traumatic brain injury or spinal cord injury and that patients traveling at higher rates of speed were more frequently discharged to nursing homes or rehabilitation facilities as opposed to going home.

Further, the median cost of a hospital stay for those traveling over 76 mph is nearly double that of those traveling between 56 mph and 75 mph. The impact of speed in our State is consistent with the national data that higher speeds have worse outcomes. What must also be discussed is the location of these motor vehicle crashes, because this can have significant impact on patient survival. Examining speed data from around the Country, fatalities were greatest on rural interstates. This is important because the transport time from a rural crash scene to a Level 1 trauma center is much longer. Raising the speed limit in rural areas, as S.B. 2 intends to do, will exacerbate our challenge in treating these severely injured patients coming from remote areas. My colleagues and I are extremely concerned about the prospect of increasing the posted speed limits. We anticipate that such a legislative change would result in increased severity of injury of our trauma patients and increased mortality.

Today, you have an incredible opportunity to impact human life and protect fellow Nevadans and visitors to the Silver State. I urge you to put the brakes on this bill.

Senator Manendo:

You mentioned crash victims at 76 mph had longer hospital length stays. What is the cost of an average hospital stay per day?

Dr. Chapman:

Typically, when we look at costs, we look at medians. The median for patients who are traveling greater than 76 mph was \$43,000, and the median cost for those traveling between 56 mph and 75 mph was \$27,000.

Senator Manendo:

Is that per day?

Dr. Chapman:

No, that is the median cost for the total stay.

Chad Dornsife (National Motorists Association):

The last 5 years I have been working with the California Department of Transportation, the California Highway Patrol and engineers in California. We completely reviewed all speed limit practices and signal timing to improve safety and due process.

I am a resident of Nevada and worked with the NDOT from the 1970s in the division that does the speed surveys, data and collection. For 15 years, I worked on a daily basis going over all the data on speed, accident and causation. If a problem area were found, I would pick up the accident records and review them and go out to the site. Until 1995, this was part of national research on the effects of the 55 mph speed limit. In the mid-1990s, it went from 55 mph to 70 mph and I looked at the differential when the speed limit increased. All sites in Nevada were monitored. In 1995, the national speed limit was repealed and I went to Montana and did a 7-year study on the effects of no speed limit.

For the record, the fatality rate in Montana during that period was the lowest in recorded history, including today. The speeds of the traffic did not change, but the nature of the driver changed. There was increased lane courtesy and people on two-lane roads pulled to the right allowing vehicles to pass. Multiple vehicle accidents on the two-lane roads dropped 5 percent. Anytime you left the city limit, there was no speed limit regardless of road type. It could be graveled, paved or interstate. There was a reduction in accidents overall and the average speed on the highways only changed 1 mph to 2 mph from speed limit to no speed limit.

People drive in comfort zones; they do not drive beyond their comfort zones when traveling long distances. The most important part that I have been hearing in this Committee today is troubling. I know that up until 4 years ago, the NDOT never studied a single road in the State under 75 mph on a rural highway to establish the speed limit; those are all set by the executive pen of the director of the NDOT. Nevada law requires engineering studies to evaluate the traveling speeds of the public, what they are doing and the best speed limits to post. To my knowledge to this day, it still has not been done.

Four years ago, the department that does the engineering studies decided to start doing the studies in the background. The information was never allowed to be used to change the posted speed limits on the road. The National Highway Traffic Safety Administration offered grant money to Nevada to increase speed limits on certain roads to show improved safety. It was turned down by a local judge, and the grant was withdrawn.

The speed limit in Nevada, on all rural highways, was set by Tom Stephens in 1995. There was a map on the wall and he marked which speed limit would be on which road. Prior to that time, the traffic engineering data from the national surveys on every roadway had to be monitored for the prevailing speed of traffic to comply with the 55 mph mandate from the federal government. There was data from all these roads. At that time the traveling speed of the public, the safest speed according to the risk curve, was in the low 80s and it remains in the mid-80s today. It has never changed. What you have are the vehicles traveling at the safest speed being the primary target of the enforcement. There are the safest speeds, safest times of day and lowest accident rates. When you pull up the accident data, you will find some very troubling information.

Back to Montana, with no speed limits in 4 years, not a single fatality was attributed to the no speed limits. There was an overall reduction in the number of accidents, overall reduction in the severity and types of multiple vehicle accidents. Ironically, in the pamphlet ([Exhibit J](#)), Australia had a section of highway that had very low fatality rates. The safety people came in and put in speed limits and there was a spike in accidents. This was due to increased driving time and increased fatigue. Fatigue is the biggest killer, not speed. If someone drives 400 miles and it takes 6 hours, now it is taking 7 hours or 8 hours, that last 2 hours is on the end of the most critical time when a driver is fatigued. This is where the trouble comes in.

The irony is not only are the fatality rates going down in every state that is looked at where the speed limit is raised. In Australia, they have removed the speed limits in that one section and the fatalities went down. My impetus for supporting this bill today, on behalf of the National Motorist Association, traffic engineers and those people who base their lives on fact, is if you pass S.B. 2, maybe it will force the NDOT to follow the law and start doing the studies. They are already doing the studies in some areas. I have seen the materials on the roadways when I drive around. I am telling you they are not allowed to use them to set the speed limit. There is no additional cost, it is required by law, federal and State, to do the studies, and they have been doing them recently.

I have included one of my own citations ([Exhibit K](#)) from Beatty Justice Court. If you read the law and how federal and State laws interact together, you will see a history of how the 75 mph came to be. That was done without a single committee hearing or any vote in the Legislature, whatsoever, by either House. It was done the last 3 days of the 1995 Session, and was put in by the Nevada Highway Patrol and one Legislator after it had been read two times in the Legislature, the third reading being when the rules were suspended. The wording of the law was changed to put the 75 mph in the bill because Nevada was supposed to go back to no speed limit like Montana and that was their effort to maintain enforcement.

Ben West (Traffic Records Coordinator, Office of Traffic Safety, Department of Public Safety):

The Office of Traffic Safety is neutral on S.B. 2. In my handout ([Exhibit L](#)), there is some data related to speeding fatalities in Nevada. From 2009 to 2013, the average number of speed-related fatalities was 34.6 percent of total fatalities within Nevada. For the most recent year available, 2012, that is 102 fatalities out of 261 crashes involving speed.

There is also information related to the roadways that should be considered. Slide 3 of [Exhibit L](#) shows speeding-related fatalities on roadways with the posted speed limit of 65 mph and above, which are the roadways involved in S.B. 2. Of those speeding-related fatalities over the last 5 years, the average is 11.4 percent on the roadways of 65 mph and above.

Senator Gustavson:

With every accident, someone is driving a particular speed. How do you define a speed-related accident?

Mr. West:

I do not have a specific definition for you. The speeding-related fatalities in both cases are identified as speed-related by the investigating law enforcement agency.

Senator Farley:

I would like to hear from the other side, in my office, some of the responses to the statements that were made by Mr. Dornsife.

Senator Gustavson:

I appreciate the testimony of all involved. I know there are some people who have concerns about the 85 mph, but as it has been mentioned in the testimony, this is already being done in other states where it is not a problem. Most accidents do happen within a 25-mile radius of your home, usually in urban areas and not on the rural highways. I would appreciate your support on S.B. 2.

Chair Hammond:

I will also include the letter ([Exhibit M](#)) and fact sheet ([Exhibit N](#)) from Traci Pearl, Department of Public Safety. The hearing on S.B. 2 is closed.

I am requesting Committee introduction of Bill Draft Request (BDR) 43-558.

BILL DRAFT REQUEST 43-558: Revises provisions relating to driving under the influence. (Later introduced as [Senate Bill 245](#).)

SENATOR MANENDO MOVED TO INTRODUCE BDR 43-558.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Senate Committee on Transportation
March 10, 2015
Page 29

Chair Hammond:

The meeting is adjourned at 10:46 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	7		Attendance Roster
S.B. 206	C	2	Kate McCullough	Written Testimony
S.B. 2	D		Senator Don Gustavson	Video
S.B. 2	E	1	Senator Don Gustavson	Map
S.B. 2	F	1	Senator Don Gustavson	Graph
S.B. 2	G	1	Senator Don Gustavson	Graph
S.B. 2	H	2	Senator Don Gustavson	Research Note
S.B. 2	I	2	Senator Don Gustavson	Handout
S.B. 2	J	51	Chad Dornsife	Presentation
S.B. 2	K	19	Chad Dornsife	Beatty Justice Court Document
S.B. 2	L	4	Ben West	Handout
S.B. 2	M	2	Senator Scott Hammond	Letter from Traci Pearl
S.B. 2	N	1	Senator Scott Hammond	Fact Sheet from Traci Pearl