

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Eighth Session
February 5, 2015**

The Senate Committee on Transportation was called to order by Chair Scott Hammond at 8:30 a.m. on Thursday, February 5, 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 Michael Roberson, Senatorial District No. 20

STAFF MEMBERS PRESENT:

Megan Comlossy, Policy Analyst
Darcy Johnson, Counsel
Martha Barnes, Committee Secretary

OTHERS PRESENT:

Jim Wright, Director, Department of Public Safety
Dennis S. Osborn, Chief, Nevada Highway Patrol, Department of Public Safety
Traci Pearl, Administrator, Office of Traffic Safety, Department of Public Safety
Troy Dillard, Director, Department of Motor Vehicles
Patrick J. Conmay, Chief, Investigation Division, Department of Public Safety
Steve H. Fisher, Administrator, Division of Welfare and Supportive Services,
Department of Health and Human Services

Jude Hurin, DMV Services Manager, Management Services and Programs
Division, Department of Motor Vehicles
Paul J. Enos, CEO, Nevada Trucking Association
Fran Almaraz
Matthew B. Parker, Brotherhood of Locomotive Engineers and Trainmen

Jim Wright (Director, Department of Public Safety):

The Department of Public Safety, "Department Overview" (DPS) ([Exhibit C](#)) was created in 2001 through legislative action when the DPS was separated from the Department of Motor Vehicles. The DPS's mission is to provide safety to the public and visitors to our State through response, recovery and enforcement actions providing safe and secure communities.

The vision and direction given to employees of DPS is for a unified, multi-disciplined and total-force organization. Every employee in the Department of Public Safety, from the uniformed to the civilian employees, has an important role in order to meet our Public Safety Mission.

We have 1,400 authorized positions—60 percent uniformed employees, 40 percent civilian employees—providing services. Our organization consists of three offices and eight divisions. The divisions include: Capitol Police, Emergency Management and Homeland Security, Highway Patrol, Investigations, Parole and Probation, General Services, State Fire Marshal and our Training Division.

The DPS offices are the Office of Criminal Justice Assistance, the Office of Professional Responsibility and the Office of Traffic Safety. The Department of Public Safety provides administrative support to the Parole Board.

Page 5 of [Exhibit C](#) provides contact information for each division. The director's office establishes policies and direction by providing oversight to the divisions through legal, audit, human resources and fiscal functions to support the DPS.

The Capitol Police are responsible for the protection of State facilities, primarily the State Capitol, the Office of the Attorney General, the Grant Sawyer State Office Building and the Governor's Mansion. The Capitol Police patrol capabilities are limited to State locations within the Carson City and Las Vegas areas.

The Emergency Management and Homeland Security Division coordinates efforts of various entities to reduce the impact of emergencies. If a large-scale emergency occurs in the State requiring additional resources, Emergency Management is the coordinating agency that organizes those needed resources. The division provides training for Emergency Management and disaster recoveries.

In concert with the Investigation Division, the DPS operates the Nevada Threat Assessment Center (NTAC) as the fusion center that gathers and disseminates intelligence information to local law enforcement and State entities. The Investigation Division administers several federal grants.

The Nevada Highway Patrol (NHP) is the largest and most visible force and is sometimes viewed as the public face of the DPS. The NHP enforces traffic laws, investigates traffic crashes, assists stranded motorists and enforces regulations controlling motor carriers transporting cargo and hazardous materials. The NHP manages the highway criminal interdiction program through the use of interdiction officers with drug-sniffing dogs (K-9s) and other interdiction tools. The purpose of interdiction is to reduce criminal drug-related activity on our highways.

The Investigation Division provides investigative services to local jurisdictions upon request and is involved with narcotic task forces throughout the State by providing assistance to local law enforcement jurisdictions in all types of investigations.

The role of the Parole and Probation Division is to supervise and assist offenders to reintegrate into society while protecting the community.

Chair Hammond:

What is your role with NTAC? Does everything go through the DPS as the focal point for that group?

Mr. Wright:

The DPS operates NTAC, located in Carson City. It is one of two fusion centers located in the State. The Las Vegas Metropolitan Police Department (LVMPD) operates the Southern Nevada Counter-Terrorism Center in the Las Vegas metropolitan area and the DPS works in concert with that center. The purpose of the DPS NTAC fusion center is to serve as the State's fusion center and

provide services to the rural counties by gathering intelligence information and disseminating it to local jurisdictions.

The General Services Division operates the Records Bureau, which includes the Nevada Criminal Justice Information System (NCJIS) that collects information on criminals and is a clearinghouse for crime statistic information serving all Nevada law enforcement communities. When local law enforcement runs the license of an individual, it is passing through this system before being returned to the officer. The Sex Offender Registry, the Brady Point of Sale Program, and the Criminal History Fingerprint and civil background check unit are housed within the General Services Division. When entities are running employment background checks for individuals, the information is run through NCJIS for individuals to be cleared for employment.

The Communications Bureau is part of General Services and operates dispatch functions for the DPS. Dispatch was once housed within the NHP, but since it is a department-wide communications division, we moved this operation to General Services. There are three dispatch centers throughout the State: Carson City, Elko and Las Vegas.

The State Fire Marshal Division is responsible for State fire code, regulations, fire service training, certification for local jurisdictions and plan review for State facilities. The Division also provides investigation and fire law enforcement services upon request from other law enforcement jurisdictions. Fire safety and inspections of State facilities are performed by this Division. The Division issues permits for hazardous materials storage and certifies fire-safe cigarettes.

The Training Division is responsible for operating the Peace Officers' Standards and Training (POST) facility, which provides training to cadets to qualify for positions in the DPS. The POST facility also handles the recertification of sworn officers and other training for our civilian employees.

The Office of Criminal Justice Assistance provides grant funding to local jurisdictions addressing drug trafficking and coordinates the Defense Department Excess Property Program. Due to the militarization of law enforcement, the DPS operates the program that transfers surplus federal equipment to local jurisdictions.

The Office of Professional Responsibility conducts administrative investigations of DPS employees if a claim is filed against the DPS and an employee. It provides training to other DPS divisions in the performance of administrative investigations.

The Office of Traffic Safety (OTS) administers the Highway Safety Program through funding from the National Highway Traffic Safety Administration (NHTSA).

Senator Manendo:

Public safety is a big issue in our communities. In Las Vegas, we can sign up to ride along with the LVMPD. How would someone go about signing up for a ride-along with the NHP?

Mr. Wright:

The NHP has a ride-along program, which can be accessed through the DPS Website. If individuals want to participate in a ride-along, they can complete applications and contact us through their local offices.

Mr. Manendo:

In reference to your K-9 program, what happens to the dogs once they are retired from service?

Mr. Wright:

Once a canine is retired, the first right of refusal goes to the officer who handled the dog. If an officer chooses not to keep the dog, the exiting process returns the dog to the entity from which the dog was acquired.

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

The NHP is the largest division within the Department of Public Safety. We represent 478 sworn and 79 civilian employees, all dedicated to our mission as outlined in the "Nevada Highway Patrol 2014-2017 Strategic Plan" ([Exhibit D](#)). The mission of the NHP is to promote safety on Nevada highways by providing law enforcement and traffic services to the motoring public. Many people in Nevada think of the NHP as officers who write tickets, arrest drunk drivers, investigate crashes and assist stranded motorists, which are four of the largest services provided by the NHP. Engagement in the community is another large part of obtaining voluntary compliance through public safety.

One highlighted program—It Can Wait for 28—is a distracted driver pilot program we began in Las Vegas with our motor squad. For a 1-week period, the squad concentrated on writing distracted driving citations such as talking on cell phones and texting while driving. The program received national recognition for Region 8 from NHTSA. Captain Anne Carpenter from the Las Vegas office is receiving an award for saving lives for her participation in this program. Once cell phones were prohibited while driving, we noticed an increase in citations being written. We initially wrote 11,992 citations, and in 2014, we wrote just over 16,000 citations. We are not getting the compliance we need from the drivers.

The program was designed to engage the community through social media. People who received citations during this 1-week period were invited to participate in It Can Wait for 28. The drivers were instructed to read articles, watch videos and then post on social media their experiences and what they learned for 28 days. For those 28 days, these drivers were touching friends and family on Facebook and Twitter. We touched hundreds of thousands of people during this 1 week, and the program should take off nationally.

We developed a program in the northern part of the State regarding bicycles. Bicycle riding and pedestrian fatalities are a huge national issue. Secretary Anthony R. Foxx of the U.S. Department of Transportation has talked about making this a primary focus within his office, and the information has been disseminated to all states. A state trooper who lives in the Washoe Valley area noticed vehicles were not moving over for bicycles. The program was developed to bring awareness to drivers regarding the move-over law for bicycles.

Drivers were aware of the move-over laws for vehicles encountering emergency vehicles, but they were not aware of the move-over law for bicycles. The statute states a driver is required to move over 3 feet or into the next travel lane when passing a bicycle. We partnered with the Department of Transportation (NDOT), which supplied us with grant funding to purchase bicycles and equipment to ensure the safety of our troopers. The pilot program is engaged in enforcement, but it is geared toward education.

As noted in the our presentation, “NHP & Office of Traffic Safety Transportation Issues” ([Exhibit E](#)), the NHP and the OTS get statutory authority from the *Nevada Revised Statutes* (NRS) 480.300 through 480.360. The

"mileage death rate" is new terminology to the NHP, but we have been using this performance measure for the last 2 years. The mileage death rate is a standard that states use to compare themselves with other states to indicate performance on a national average. This performance measure tells us if we are being successful or if more work is needed.

The calculation used to obtain the Nevada death rate is the total number of fatalities in a given year divided by the 100 million vehicle miles traveled. That denominator, mileage total, is published by the OTS. We can review the numbers each calendar year to note our progress.

Page E4 indicates performance measures for mileage death rates in 2015 and the new biennium. We want improvement. The Zero Fatalities campaign is a goal to eliminate fatalities. For the 23.6 billion annual vehicle miles of travel in 2013, the mileage death rate was 0.51 per 100 million miles traveled on Nevada roadways.

Page E5 indicates the NHP's "Big 5," which are the five choices all drivers make before they get behind the wheel. A driver can choose not to drink alcoholic beverages before driving. A driver can choose to put down the cell phone when driving. A driver can choose to wear a seat belt. A driver can choose not to speed. The final choice is to commit or not to commit a hazardous moving violation. We have been gearing this Big 5 educational initiative toward enforcement, and the ultimate purpose of the NHP is to save lives. Four of the Big 5 categories have increased enforcement, including arrests for driving under the influence of alcohol or impairing substances (DUI).

Addressing crash fatalities, our focus is to have this number decrease. We focus on pedestrians and bicycles, and partner with OTS and law enforcement partners around the State to address these issues. We have implemented a new program to address distracted driving. A hit-and-run-accident trend has arisen specific to Clark County. One of the causes may be that the LVMPD did not respond to non-property crashes. There is confusion about jurisdiction and the difference between DPS and LVMPD. Drivers reported to our investigators that they understood the NHP did not respond to property damage crashes, and that was why they left the scene of the crash. It seems to be a plausible excuse, but we have assigned a full-time investigator to follow up with hit-and-run crashes. We have developed public service announcements (PSA) and conducted

interviews on television and radio informing people that the NHP will respond to property damage crashes within our jurisdiction.

Chair Hammond:

When you say “hit and run,” does it always have to involve a person? Could it be a driver crashing into a bus kiosk when it is occupied?

Mr. Osborn:

Yes. A hit-and-run accident is inclusive of hitting another vehicle, a person or just property, like running into a building, and then leaving the scene. We consider these examples of hit-and-run crashes.

Chair Hammond:

Did you say the spike occurred because of the policy change when LVMPD stopped responding to property crashes? Do people assume they can leave the scene and call in the incident later?

Mr. Osborn:

Yes. In 2013, we identified 1,565 hit-and-run crashes. In 2014, we recorded 1,731, so there was a significant increase.

Implied consent is the last issue facing the NHP. The U.S. Supreme Court Ruling in *Missouri v. McNeely* 569 U.S. ____ (2013) changed the way Nevada law enforcement addresses impaired drivers who refuse an evidentiary test. The old ruling allowed us to conduct a forced blood draw. The *McNeely* ruling stated this procedure was unconstitutional. Since this ruling was established, we have been issuing warrants for blood draws. The issue will be addressed by Assembly Bill (A.B.) 67 that will be heard in the Assembly Committee on Judiciary this Session.

ASSEMBLY BILL 67: Makes various changes relating to driving, operating or being in actual physical control of a vehicle or vessel while under the influence of alcohol or a controlled substance or engaging in other prohibited conduct. (BDR 4-151)

All law enforcement officers that conduct traffic stops face this issue. The NHP is processing stops in accordance with the county prosecutor from each county because they each have a different process for evidentiary tests.

Senator Farley:

Returning to the discussion about impaired drivers, are you seeing any spikes since the medical marijuana laws passed? Are you looking at programs to handle these stops as your work may increase?

Mr. Osborn:

Yes, we are anticipating an increase in traffic stops. The NHP is the first State agency that has trained all of its troopers in what we call Advanced Road Impairment Detection, which includes marijuana and drugs in general. We are anticipating an increase and are tracking marijuana specifically. We often see a combination of alcohol and drugs in DUI arrests.

Senator Farley:

With the information you have from the surrounding states where marijuana has been legalized, do you see the states experiencing a significant increase in these stops, or will the people who use drugs and alcohol continue anyway? Will we see a spike next Session or need programs to be funded to make our streets safer?

Mr. Osborn:

I have been working with my colleagues from the Colorado State Patrol and the Washington State Patrol, and they have reported increased stops. They are seeing more emergency room visits with tetrahydrocannabinol type overdose cases, and their homeless rates are increasing. We are working with the OTS to address some of these trends. There was a big spike when the recreational use of marijuana was legalized in those states, even though the medicinal aspects of marijuana have been in use in these states for quite some time.

Senator Manendo:

Are you experiencing spikes in hit-and-run accidents that involve a person who would be injured instead of property or hitting a telephone pole because LVMPD officers do not respond to the scene of an accident? If a person was hit by a car, the driver might think of staying put and call for help. In southern Nevada, we see individuals being hit, and drivers are leaving the scene. If you are not seeing a statewide spike, there is definitely a spike in southern Nevada.

Mr. Osborn:

Yes, we are seeing a spike specific to Clark County and luckily, the majority of the increase is in property damage such as a vehicle versus a vehicle, where the driver leaves the scene. We have also seen a pedestrian hit and the driver has fled the scene, but it is rare for NHP incidents.

Senator Manendo:

A person could be seriously injured even in an automobile but a driver flees the scene of the accident. What is the excuse when they are finally caught? When a person or a vehicle is hit by another vehicle going 45 miles per hour, people can be injured and people can die.

Mr. Osborn:

Yes; however, with those types of crashes the majority of the examples involve property damage. The driver leaves the scene of the crash and gives the response that he or she did not think NHP would respond, so that person left the scene with the intention of reporting the crash. Many of these people visit the NHP office to report they were involved in a property damage crash when we may already have the information. We want to correct this trend.

Senator Gustavson:

What percentage of hit-and-run crashes is due to drivers leaving the scene because they do not have an active driver's license and do not want to get caught? Do you have any statistics on this scenario?

Mr. Osborn:

I do not have that information with me, but will provide it to the Committee. Page E7 of [Exhibit E](#) identifies the education, enforcement and engagement programs we manage. The Below 100 program is geared toward officer safety when we emphasize—to our new recruits and during refresher training—that there were 100 officers killed in the line of duty nationwide. We are experiencing a high number of officer deaths across the Country. This program reminds our officers to watch their speed, to wear their vests—both ballistic and reflective—on scene, to remember complacency kills and to be sure to buckle up each time they get into their vehicles.

Driving Responsibly Includes Vehicle Education is a program geared toward younger drivers. We know that sometimes parents are not the best people to teach their children to drive, so the program attempts to use experienced and

professional volunteer drivers from the racing world, such as NASCAR, plus law enforcement personnel. The program is extensive: my own 16-year-old son went through the program, and he was impressed that he learned how to control and brake through a skid.

Badge on Board (BoB) is a program to educate and provide enforcement. We have placed troopers in commercial trucks equipped with radar and L-3 Mobile Vision, Inc. digital recording devices, so the officers can provide enforcement in and around big trucks.

We engage with victim impact panels, proper car seat installation and speaking to different civic groups. We take every opportunity to educate the community on public safety.

Senator Manendo:

I would be remiss if I did not comment about the importance of the BoB program. We are grateful the trucking industry partners with you to provide this service. People do not realize the distance needed to stop or maneuver a big rig. Could you elaborate on your participation in the victim impact panels?

Mr. Osborn:

Our officers participate in victim impact panels to provide insight and provide experiences they have had on the road with fatality crashes involving DUIs. We have had people who were convicted of DUI and sentenced to go to victim impact panels who show up intoxicated. The troopers can take action against those people who showed up to the meeting intoxicated, so our presence has a dual purpose.

Senator Manendo:

Do you have officers attending every victim impact panel?

Mr. Osborn:

The NHP shares the responsibility with other law enforcement agencies.

Senator Manendo:

The Stop DUI meetings are provided in Henderson, Las Vegas and at least one a month is held in the Las Vegas-Clark County Library on E. Flamingo Road. The NHP are usually there and watch over those who are sentenced to ensure they attend the victim impact panels. I have been to other victim impact panels that

are not run by Stop DUI or a reputable agency and the meetings do not have a law enforcement presence. People are sleeping, chewing gum and talking on their phones. I witnessed a person pull out a beer and drink it during a victim impact panel meeting. There is a difference between for-profit and not-for-profit victim impact panels. Judges speak at these panels. If you have not attended one of these meetings, you need to because your life will change.

Chair Hammond:

Are the officers in attendance voluntarily?

Mr. Osborn:

The NHP officers are not required to attend, but some have stories they would like to share, so they attend the meetings.

Chair Hammond:

It is a credit to those officers who believe in providing a service because they are passionate about the subject matter.

Senator Farley:

I am the mother of two small children who sit in car seats. I have followed the directions to install the car seats and they are still incorrectly installed. I have seen reports of accidents where children were not properly restrained, and the parents may not have installed the car seats correctly. Can you provide me with some information on this program?

Mr. Osborn:

We send troopers to be trained to properly install car seats and provide guidance if, during a traffic stop, they see the seat is not installed correctly. Most troopers install the car seat while parked on the side of the road to ensure the children are safe when the driver pulls back onto the roadway.

Chair Hammond:

I witnessed a young father trying to put a stroller back together after it was unfolded; we have all been there to understand that car seats are just as difficult. We appreciate the troopers' willingness to help when they see a problem, because each car seat is different. There is no continuity among the manufacturers with installation directions.

Senator Denis:

On page E4 of [Exhibit E](#), the 2015 performance measure for fatalities is projected to be 0.46, and it decreases in 2016 and 2017, but the injuries are reported as increasing each year. What is going to happen in 2016 that may cause this increase? Since the fatalities are decreasing, will more people be injured instead of losing their lives?

Mr. Osborn:

We receive these mathematically calculated projections from analysts based on previous year calculations. They are using different efficiency models to produce these performance measures. I will find an answer to your questions.

Senator Denis:

I am trying to understand if there is a trend we should be aware of as we discuss these issues. On the average number of annual motorist contacts per full-time sworn officer, you are projecting an increase from 2015 to 2017. Do you have enough officers and employees to perform the job and get the work done? Do you have difficulty recruiting officers?

Mr. Osborn:

Yes, we are having difficulty recruiting officers. It takes about 1,000 applicants to fill a class of 50 students. The background process is where many of the applicants fail. We have a high rate of turnover to larger agencies who can offer a better salary like the LVMPD or Henderson Police Department. When these agencies open up lateral academies or academies in general, we lose staff. We track who leaves and why on a monthly basis. The number one reason an employee leaves DPS is retirement, and the number two reason is for a better salary.

You will note that on the same page in [Exhibit E](#), we have made some improvements in our efficiency models regarding motorist contacts per full-time sworn officers for warnings, traffic stops and motorist assistance. The DPS used to be a self-reporting-activity agency, but these reports are now completed electronically through our Brazos Technology eCitation system and the Spillman Records Management System.

Senator Denis:

We continue to be the training ground for other agencies, so should we be charging them for training their officers? How many officers do you think we lose to other agencies each year?

Mr. Osborn:

I do not have that percentage with me today, but since we track the statistic, I am sure I can get it. It is not just NHP that is losing employees, but the DPS in general. We lost five employees from our Parole and Probation Division to the Henderson Police Department just a couple weeks ago.

Traci Pearl (Administrator, Office of Traffic Safety, Department of Public Safety):

The Office of Traffic Safety, starting on page 8 of [Exhibit E](#), is a civilian office that has no sworn personnel. We receive federal grant funding for traffic safety projects and sub-award them to governmental agencies, local agencies, law enforcement, not-for-profit groups and other organizations or advocates in Nevada. Our grants are used to change behavior with programs like Click It Or Ticket, Wear Your Seat Belt, Don't Drink and Drive and Friends Don't Let Friends Drive Drunk. We work very closely with the NDOT, who deals with traffic safety from the engineering side with options like rumble strips on roadways to wake up drowsy drivers. In tandem with the NDOT and the Strategic Highway Safety Plan that includes many partners across the State, we have made great strides since implementation.

The OTS has a Carson City office and a Las Vegas office. We used to have one employee in the Las Vegas office, but due to population growth and need in the area we have expanded the office considerably. Page E9 of [Exhibit E](#) states the mission of the OTS is to provide funding and expertise, create partnerships, promote education and to develop programs and projects to eliminate deaths and injuries on Nevada's roadways. The mission statement used to say the goal was to "reduce deaths and injuries," but because the statewide goal has changed, the mission now is to eliminate fatalities and serious injuries one day at a time.

The budget accounts (B/A) for the OTS are B/A 101-4687, a grants pass-through account and B/A 101-4688, the Highway Safety Plan and Administration account. Our statutory authority is found in NRS 223.200. Budget account 101-4691, the Motorcycle Safety Program covers education for

motorcycle riders. The motorcycle program is funded through a \$6 fee charged for every motorcycle registration at the Department of Motor Vehicles (DMV). The program involves basic rider training and experienced rider training along with recertification of instructors.

Page E12 addresses the Strategic Highway Safety Plan (SHSP) "Big Six" and indicates overlap and similarities with the NHP information provided by Mr. Osborn. We work closely with NHP enforcement in an attempt to reduce fatalities.

The statewide Big Six include impaired driving, distracted driving, seat belts and occupant protections including car seats, motorcycle safety and awareness, speeding, and pedestrians. These are the six big problem areas where we are concentrating our efforts to reduce fatal and injury crashes. We added motorcycles as a critical emphasis area because of the increase in motorcycle crashes in Nevada. Motorcycle crashes have increased nationally.

On average, impaired driving crashes result in about one-third of our fatalities and 50 percent of unbelted occupants die in these crashes. If we could get people to buckle up and drivers to not drive impaired, we would eliminate two-thirds of the people who die on our roadways.

Senator Denis:

What percentage of our drivers wears their seat belts?

Ms. Pearl:

We conduct an annual seat belt observational study to receive federal funding. Our observed seat belt usage rate was 94 percent in 2014. However, that percentage has a big deficiency with the 50 percent who are wearing their seat belts when they die. The observed seat belt survey is performed during daylight hours only for front seat passengers, and there is a significant difference with nighttime drivers. Some people do not wear their seat belts at night, and others think they only need to buckle up on the freeway where vehicles are traveling at 70 miles per hour (mph) because they will not get hurt when traveling at 35 mph. We know this study is flawed.

Senator Denis:

Even if the number is not accurate, it does include front seat passengers. How many fatalities were recorded with back seat occupants not wearing their seat

belts? We have talked about this issue before. There are some people who will not ever wear a seat belt. What can we do to help these drivers comply?

Ms. Pearl:

In trying to reduce these fatalities and injuries on our roadways, we combine education, enforcement, engineering and emergency medical systems. These are all different approaches, and we use different countermeasures. Education can include attending public events and going to classrooms and talking to people, as well as teen driving programs like driver's education. We consider a traffic citation a form of education because sometimes people are more afraid of receiving a ticket than dying, so they will buckle up. It is an ongoing battle because of the transient nature of our State. We have people moving in and moving out of Nevada that do not know the laws of our State. We are constantly educating people about traffic laws and why we have them.

Page E14 of [Exhibit E](#) indicates in the past 10 years, we have had a significant decrease in the number of fatalities in our State because of our low population compared to other states. The chart provides a comparison of fatality rates per 100,000 people, per 100,000 licensed drivers, per 100,000 registered vehicles and per 100 million vehicle miles traveled in Nevada. We have cut the rate in half in a 10-year period. When the SHSP was implemented in 2006, we had our highest recorded number of fatalities at 431, and 3 years later, we had our lowest number with 243 fatalities. This proves the SHSP strategies are effective and working.

Similar to the report from the NHP, there is a large increase in motorcycle fatalities and crashes. Another concern is the movement to legalize marijuana for recreational use in regard to impaired driving crashes. Moving Ahead for Progress in the 21st Century was the last authorization of the Highway Safety Act by Congress, and that authorization expired on September 30, 2014. The OTS is receiving grant funding throughout the year and then providing the funds to the sub-grantees. Federal funding levels have decreased due to the falling level of the Highway Trust Fund. There is a time delay in acquiring data in order to meet our performance measures.

Senator Denis:

Referencing the pedestrian and motorcycle fatalities, does this include bicycles and scooters?

Ms. Pearl:

This does not include bicycles and scooters. We have had an increase with mopeds along with motorcycles, but we are primarily looking at motorcycles because mopeds do not need to be registered and the driver is not required to wear a helmet. We do have education materials relative to mopeds, but we separate motorcycles from mopeds in our programs. Bicycles have remained less than 1.5 percent of all fatalities for several years. One death is one too many, so we put our resources where we have the biggest problem.

Chair Hammond:

When you say moped, are you also including the term scooter?

Ms. Pearl:

No, by definition we do not include scooters.

Senator Denis:

How do you define scooters and mopeds, and what is the difference?

Ms. Pearl:

We do not track scooters because they are not considered a motor vehicle by definition.

Senator Denis:

What is your definition of a scooter versus a moped? I considered a moped to have a maximum engine displacement of 49 cubic centimeters (cc) or less as opposed to a scooter that does not have pedals.

Mr. Osborn:

The 49 cc displacement is the difference between a motorcycle and a moped. To me a scooter is the thing you push with your foot. I am unsure if there is a definition in the NRS to describe a scooter.

Senator Denis:

I would consider a moped to be a scooter. You could pedal the first mopeds versus the scooter you get on and cannot pedal it, but it is less than 49 cc.

Mr. Osborn:

Yes. The 49 cc requirement is where it remains a moped or becomes a motorcycle.

Chair Hammond:

I want to highlight the issue facing the OTS: the movement to legalize recreational marijuana could create more crashes.

Ms. Pearl:

Colorado is one of six other states with us in Region 8 of the NHTSA. We are working with their highway safety offices to address the issue and educate the public.

In 2012, we recorded 38 motorcycle fatalities and 4 moped fatalities; in 2013, we recorded 54 motorcycle fatalities and 4 moped fatalities, and in 2014, we recorded 55 motorcycle fatalities and 8 moped fatalities.

Page E16 of [Exhibit E](#) indicates the performance measures for B/A 101-4688, including the percentage of grant claims paid within 30 days, the percentage of available federal funds spent, the percentage of the population covered by High Visibility Enforcement (HVE) campaigns conducted through the Joining Forces program, and the percentage of the target audience reached with HVE campaigns. We conduct an annual survey to gauge Nevadans' awareness of the Zero Fatalities, Click it or Ticket Campaign and Buzzed Driving is Drunk Driving enforcement during the holidays, to gauge if our PSAs in the media are having an effect on the Nevada public.

The motorcycle performance measures are on page E17, which indicates the number of students trained in motorcycle safety and the percentage of students who pass motorcycle safety courses.

Senator Denis:

Relative to performance measures, percentages are great, but they do not tell me anything. You are getting 70 percent of what? You had 7 out of 10 or you had 7,000 out of 10,000. How many grants did you pay? What was the total amount of federal funds spent? These would be better indicators than using percentages.

Troy Dillard (Director, Department of Motor Vehicles):

Our presentation ([Exhibit F](#)) is an overview of the DMV. The DMV consists of 8 divisions, just short of 1,200 staff members, 18 offices statewide, with the use of 8 different county assessor offices, primarily for vehicle registration purposes.

Our primary goal is customer service; the second is to develop innovative ways to provide customer service through technologies. Other goals include providing accurate revenue collections and distributions for the State; recruiting and maintaining a competent work force; regulating the businesses and protecting the infrastructure for the automotive industry; protecting the public against fraud and unfair business practices; and providing critical support services for the administration of the DMV.

We are a State Highway Fund agency and receive a small amount of funding from the State General Fund for purposes of voter registration. We collect in excess of \$1 billion in revenue each year for the State, and the chart on page F6 shows how that money is distributed. The bulk of revenue is distributed to the counties and school districts through collection of the Governmental Services Tax and the Special Governmental Services Tax included with vehicle registration fees. The General Fund Sales Tax comes from the sale of vehicles purchased outside the State, and the tax is paid through the DMV.

The director's office handles policies and procedures, human resource issues, administrative hearings and employee development and training.

The Administrative Services Division handles budget preparation, revenue oversight, purchasing, warehousing and mail services.

The Management Services and Programs Division is responsible for responding to fiscal note requests for bills submitted to DMV by the Legislature and many policy issues related to legislative matters. The division oversees research and development programs within the DMV and project management.

The Motor Vehicle Information Technology performs design and programming. The DMV cannot do without an Information Technology Division due to the advancement of technology.

The Motor Carrier Division collects and distributes the fuel tax, registers intrastate motor carriers, International Fuel Tax Agreement compliance, International Registration Plan for interstate motor carriers, revenue collections and audits.

The Central Services and Records Division conducts the back office functions. The employees handle the transactions coming into the DMV through alternative services, mail-in services, title transactions and other business received by mail.

The Compliance Enforcement Division (CED) regulates the automotive industry by licensing, which helps protect the public from identity fraud by ensuring one license/one record for our drivers. The CED also manages the Vehicle Emissions Program in both Clark and Washoe Counties.

The Field Services Division is the front door to the DMV. This is the division our citizens see when they are registering a vehicle or obtaining a driver's license. The Field Services Division offers over-the-counter services and is the largest division within the DMV.

Chair Hammond:

I had an experience visiting one of your offices in Las Vegas recently. I learned a great deal about your new service: a citizen provides a cell phone number and is provided constant updates about the wait times. You should try to separate those who are waiting in the office from those who are not there. Even if you are not considering this now, it would really help the wait times. At one point, I was number 78 in line and then I was number 85. I wondered what happened. It was explained to me that people leave the queue and return to the queue. For those waiting in the office, it would be helpful to separate those two groups.

Mr. Dillard:

The more times we can get the information in front of our constituency to best use those services, the better off we will be. The service you referenced is called Dash Pass and it allows a person to get in line at an office, but we are urging people to join those lines through text messaging, standard voice call or over the Internet. The phone number is 844-Dash-Pass. That phone number will get you into the system, so you can get into line without having to visit the office first. A customer is provided with updates along the way.

The service experience you described is similar to that of many of the customers who see fluctuations in the time they are waiting. Initially you will receive a projection saying it will be an 85-minute wait. Then 20 minutes go by, and it is a 75-minute wait: the math does not add up. The system is smart technology and it is constantly adjusting. The system determines the length of

time it takes to complete a transaction for each customer to determine the wait time. When the offices get busy, there will be more fluctuation in the times.

Chair Hammond:

It must be a very complicated algorithm that factors in the people who are taking breaks and the number of people in the office.

Mr. Dillard:

This system has been online since September 2014, and we are continuing to make improvements as we learn the capabilities of the system to provide the best customer service. We are exploring an appointment-based system that would blend together with the texting system by working with our vendor to improve the system for the customers and the DMV.

We have 18 self-service kiosks within the DMV offices and 27 kiosks in partner locations. The biggest difference between our partner locations and our DMV offices is the acceptance of cash. Cash handling outside of the DMV offices is a very expensive process, and you must obtain agreements with suppliers that are willing to accept risk when handling cash. We have determined 30 percent of DMV customers pay cash in Nevada. The kiosks located within our offices did nearly 600,000 transactions last year.

The State used to pay the bill for those kiosk transactions. A few years ago, we transitioned to a fee for service paid by the customer. The State had a contract to pay \$5 per registration transaction conducted on the kiosks. Today the transaction cost is \$3 for a registration and \$1 for everything else. The DMV was up against a budget funding cap, and there were no funds to continue paying the kiosk transaction fees based on the growth of the program. This is the favorite alternate technology platform for residents of the State and we continue to see this program growing into the future.

In order to allow customers to conduct business with the DMV more efficiently, we developed the Web Portal. Previously we had various Web transactions available to keep people out of the offices, but we could not identify them as customers. Anyone could conduct a registration transaction through the Web because there was no identity requirement, just a payment for services. Now the DMV can have a relationship with you as an individual when you create an account. This has proven to be very popular with our customers and continues to grow. We are now approaching 340,000 residents in Nevada who have

created their own Web Portal accounts. We have completed 595,261 transactions since the launch, and more services are available through the Web Portal.

In July 2014, we began a partnership with the automotive dealers in the State for them to submit all of the Dealer Reports of Sale (DRS) electronically. This has been a great benefit and even exceeded our expectations when we entered into this partnership. An education component needs improvement. When an automobile is purchased from a Nevada dealer, the majority of vehicles can be registered using a Web Portal transaction without stepping into a DMV office. If the customer received an electronic DRS, the new vehicle could be registered from the convenience of the customer's home. If the registration is being transferred from an existing vehicle license plate, credits can be transferred from the active registration to the new vehicle registration. The new decal will be mailed to the customer's address. A new license plate can be purchased and mailed to the customer's home. The system is completely automated, but we have a small percentage of the population using the system. We are trying to get the information into the hands of our residents to alleviate the lines in the offices. We have partnered with the dealers to help educate our customers regarding this convenience.

Page F17 of [Exhibit F](#) shows a new electronic program, Veteran's Exemptions. Veterans received a postcard in the mail allowing them an exemption against the cost of their registration or their property taxes, or the exemption could be split between the tax bases. This was a manual process for years that did not allow the veterans to use our alternate services to register their vehicles. They had to visit an office. The cards were mailed back and forth between the DMV and the assessors' offices and updated manually. We targeted this program and brought it online in 2013 with all counties participating except Clark County. We received information that Clark County plans to deploy its new software and begin testing soon to bring them online. The DMV can electronically determine the amount of tax credit to be used against a transaction and allow veterans to decide how they would like to use their credit. The transaction is immediately updated and copied to the county assessor's office.

The DMV portion of the Off-Highway Vehicle Title and Registration Program is the registration and titling piece of the program. The program is managed by the Commission on Off-Highway Vehicles that is responsible for creating the regulatory structures and funding the education and enforcement pieces. We

have 75 Off-Highway Vehicle (OHV) dealers and just shy of 40,000 OHV registrations. The projection was for 280,000 registrations when the program was developed, so we are short of that goal. There is also an issue with how the program is funded. There is an automatic 15 percent to 85 percent split of the registration. The DMV is addressing the costs of the registrations and services. All funding in excess of those costs is filtered over to the Commission to determine how the funds will be distributed.

Specialty license plates are always good for a bill being heard before the Senate Committee on Transportation. The process includes an application being submitted and approved by the Commission on Special License Plates and referred to the DMV. The applying organization must be a nonprofit organization and registered with the Secretary of State. The plates must generate financial support for services to the community relating to public health, education or general welfare. Effective July 1, 2013, A.B. No. 189 of the 77th Session created a second tier of specialty plates. That increased the bond requirement to \$20,000 and they must maintain 3,000 active registrations. The first tier of specialty license plates require a \$5,000 bond and maintenance of 1,000 active registrations or the plate will be discontinued.

Information technology (IT) is the number one initiative for the DMV this Session. This project is about replacing the very old COBOL-based system mainframe application. The system was approved in 1996 and deployed in 1999. Since technology has changed so drastically, we have reached our capacity, from an IT aspect, to meet the demands of our customers both internal and external. One of those customers is the Legislature.

Each year the DMV develops a reputation for being "bill killers" because of fiscal notes associated with bills. The fiscal notes will not be any different from past Sessions. We do not have resources available to program all of the changes identified by the bills being brought forward, and they are all related to the programming of our system. Changes must be made to our database to ensure our records are correct and accurate. All testing must continue to ensure the interrelationships exist. We must hire contract programmers. We cannot keep individuals with the appropriate skill sets on staff and have many vacancies. We hire at very low levels and train them in-house to get the help we need.

As an example, there was a bill last Session to add the Veteran's designator to the driver's license, which required 1,000 hours of programming to fulfill the

mandate of the bill. The system proposed by the DMV for system modernization is a more flexible system. It is called a Customer Relation Management system; it runs from a rules engine rather than a hard-code linear programming standpoint such as the COBOL language. Under the current system, 1,000 hours of programming can be completed in 1 day with the new system.

Testing has to happen after the programming is complete. We have a vendor that prints the card, but going from 1,000 hours of internal programming to a day plus testing is a very significant change. There are policy issues that are important to our State, and the DMV system needs to be able to keep up to move forward with good policy and not be burdened by the inability to change our system. This is the number one initiative for the DMV this year.

Page F22 of [Exhibit F](#) touches on some of the DMV bills submitted for discussion. The majority of DMV bills this Session are cleanup bills, taking care of issues that have arisen or require clarification from previous pieces of legislation.

Assembly Bill 32 deals with special fuel conversion rates.

ASSEMBLY BILL 32: Revises provisions relating to special fuels. (BDR 32-382)

We anticipate this bill to be brought before the Assembly Committee on Taxation. We want to clarify that liquefied petroleum gas (LPG), compressed natural gas and liquefied natural gas are being reported consistently to the DMV. These fuels have energy equivalency conversion rates associated with each one.

Page F24 provides an update for some of the significant IT projects that are ongoing. The Secure Placards program pertains to the purchase of new vehicles and the placards provided by the dealerships. The placard is handwritten using a Sharpie pen. The placard can now be tracked, as it is electronic. There are four dealers piloting the program, and it will ensure the appropriate revenue is coming in from registrations on new vehicles. There is a significant amount of fraud with the use of the handwritten placards. By the end of this Session, all of the dealers should be on the new system.

The Electronic Lien and Title program is moving forward as the DMV has signed a contract with a vendor to build the infrastructure for this program. This program will allow a lienholder to have access to interface with the electronic

titles housed on the DMV database. The old process was to print a hard copy of a title that was sent to the lienholder and placed in a file. When the owner paid off the lien on the vehicle, the lienholder had difficulty locating the hard copy to release the lien so the owner could obtain a clean title within the time set by statute. This is another electronic process that helps the DMV and the customers.

Besides the issues of maintaining our DMV database changes based on our State Legislature and laws within the State, we have federal requirements we must follow. The Commercial Driver's License Information System and the Commercial Learners Permit Project require the DMV to continue to make changes and updates to comply with federal requirements, which also consume many of our IT resources.

Senator Denis:

When the DMV first began processing the Driver Authorization cards, there were thousands of people that showed up the first few days and overwhelmed the offices. I followed this process throughout the year; your staff has done a tremendous job of being able to facilitate the program, and at last count, we had almost 25,000 individuals who have obtained either the license or the permit.

Chair Hammond:

I will open the hearing on Senate Bill (S.B.) 42.

SENATE BILL 42: Requires the Investigation Division of the Department of Public Safety to provide investigative services to other divisions of the Department and certain other units of the Executive Department of the State Government. (BDR 43-357)

Patrick Conmay (Chief, Investigation Division, Department of Public Safety):

The intent of S.B. 42 is to update statutory language that delineates the Investigation Division's duties and responsibilities in order to meet the needs of the various entities that request investigative assistance.

The division recognizes its mission to be one of support for the DPS's effort to promote safer communities throughout Nevada. Upon request, the division conducts a variety of criminal investigations for assorted public agencies. The current statutory language enables Nevada sheriffs, chiefs of police, district

attorneys, the Attorney General and the Secretary of State to request investigative assistance from the Investigation Division. The division routinely receives such requests and provides assistance.

Historically, the Investigation Division also receives requests for investigative assistance from various other State agencies and entities. These frequently involve threats against State employees or facilities, fraudulent transactions involving public monies or conflicts of interest for the requesting agency. A quick review of just the past 4 years revealed that the Investigation Division received and assisted with more than 50 such requests during that time. Over its history, and where no other option existed, the Division provided these agencies with assistance.

Current statutory language does not allow the director of the Department of Public Safety to use the DPS's own Investigation Division to provide other divisions within the DPS with investigative assistance when needed.

The proposed changes outlined in S.B. 42 provide clarification as to the Investigation Division's role in providing requested investigative assistance to various State agencies and entities that otherwise have no capability to conduct such investigations. The changes enable the director of the Department of Public Safety to efficiently use its resources.

These changes do not empower the Investigation Division to unilaterally undertake any action. A request for investigative assistance by the involved agency or entity must precede any activity by the Division.

Chair Hammond:

Are you clarifying language in the statute to allow the Investigation Division to perform investigations for other agencies and entities?

Mr. Conmay:

Yes, it is a language cleanup.

Steve Fisher (Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services):

The Department of Health and Human Services supports S.B. 42. Within the Investigation and Recovery Unit, we have a group of investigators whose primary goal is to ensure the integrity of our public assistance programs and

ensure the clients are using their benefits properly. On occasion, we have had clients misuse their benefits, and other illegal activities may be uncovered during investigations. We want the ability to call in law enforcement to continue the investigative process we began. Our Investigators are not law enforcement officers.

Chair Hammond:

I will close the hearing on S.B. 42 and open the hearing on S.B. 43.

SENATE BILL 43: Revises provisions governing certain safety requirements for driving across railroad tracks. (BDR 43-378)

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

Senate Bill 43 was created because of a Federal Motor Carrier Safety Administration (FMCSA) audit and is a language cleanup bill for the Department of Motor Vehicles letter, "Senate Bill 43-DMV Amendment Testimony" ([Exhibit G](#)). This bill addresses some of the railroad crossing safety features that were not in NRS 484B.560.

On January 30, 2015, the DMV received a call from Paul Enos, CEO of the Nevada Trucking Association, who stated he had concerns with the original language in S.B. 43. The DMV coordinated a meeting with the Nevada Trucking Association, the Department of Public Safety, the Department of Transportation, the FMCSA and the Teamsters. We received feedback from the FMCSA and the DPS in order to submit a proposed amendment, "Senate Bill 43-Friendly Amendment" ([Exhibit H](#)).

By amending section 1, subsection 1 and leaving the original language in section 1, subsection 5, we have met the needs of our partner agencies, private stakeholders and the federal government. A federal rule such as 49 CFR section 392.10 addresses many of the issues in section 1, subsection 1 of the proposed amendment. It further defined the types of trucks that we wanted to specify in the railroad safety requirements. In section 5 of S.B. 43, the language addresses the audit finding submitted to the DMV.

Chair Hammond:

The Committee Policy Analyst understands the conceptual amendment, so when it is considered for a vote it will be included.

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

The Nevada Trucking Association supports the amendment to S.B. 43 as proposed by the DMV. We did have some issues with the original bill where it was requiring every truck to stop at every railroad crossing. We felt it was important to leave our safety agencies—DPS and NDOT—with the ability to determine what crossings should have trucks stopping and what kind of warning or protection devices are used at each crossing. All entities worked together to propose an amendment that is more workable for the industry where we have a risk-based assessment on these crossings.

We consider ourselves a partner in safety because it is an industry that cares about the safety of our trucks and everybody on the road including the railroad. We do not want accidents to occur from a decision we made. We have invested over \$7 billion annually to comply, promote and enhance safety within the trucking industry, so this is extremely important to us. The proposed amendment looks at federal law and ensures that hazardous material trucks, school and passenger busses are stopping at railroad crossings. We have seen some horrific accidents in recent weeks, and some have occurred close to home. We want to ensure everyone is safe at those crossings and want our safety professionals to be the ones making those decisions.

Senator Gustavson:

I have a commercial driver's license and drove truck for many years. I had concerns with the language similar to those you have referenced. Are there any placarded commercial vehicles that are not included in this bill?

Mr. Enos:

We will refer to the CFR for parallel language. There are two tables noted as Table 1 and Table 2 under the hazardous materials regulations that specify placarding requirements. Table 1 notes any amount of the dangerous items such as poisonous gases, explosives and radioactive materials. Table 2 notes any amount of items over 1,000 gallons, so there is a difference between the two tables.

Chair Hammond:

You provided me with a study of the risk assessment to determine that if every vehicle had to stop at a railroad crossing, what the potential danger might be.

Mr. Enos:

The NDOT has performed assessments of all of the railroad crossings, and we submit that it is the NDOT and the DPS that should be making these determinations. There are sufficient arms, bells, whistles and warning devices on all railroad crossings in the State to ensure our crossings are as safe as they can be.

Fran Almaraz:

I am a former truck driver and have 43 years with the Teamsters. I am here to offer my support and the support of the Teamsters to everything the Nevada Trucking Association has provided. We are in favor of this bill as with the proposed amendment. The safety hazard presented by every commercial truck stopping at all railroad crossings would be detrimental to traffic and to commerce.

Chair Hammond:

We received letters of support for S.B. 43 from the Owner-Operator Independent Drivers Association, Inc. ([Exhibit I](#)) and the Union Pacific Railroad Co. ([Exhibit J](#)).

Matthew B. Parker (Brotherhood of Locomotive Engineers and Trainmen):

There are positive aspects the bill with the proposed amendment will have on rail safety in this State. I am a licensed locomotive engineer employed by Union Pacific Railroad working out of the Sparks terminal, so I have a vested interest in any matters related to rail safety. There are other stakeholders in this matter who have concerns over the language in section 1 of S.B. 43. My remarks are focused on the language in the bill that would add subsection 5 to NRS 484B.560 and not the language in section 1 that is considered problematic.

I have provided members of the Committee a link to a YouTube video depicting an accident that occurred in Mer Rouge, Louisiana, involving a lowboy trailer loaded with a crane that became stuck on a railroad crossing and was struck by a freight train. The accident caused the freight train to derail. The video demonstrates the language changes that adding subsection 5 would be beneficial to safety in Nevada. I would like to say these occurrences are rare, but that is not the case. You may have noticed on the screen that there are videos of other similar incidents. If you search for truck-train crashes, there are a number of them available. Videos exist because these incidents occur with

alarming frequency across the Nation. Last evening, a commuter train struck a truck that was stuck on a crossing which resulted in injuries to six passengers.

In reviewing statistics from the Federal Railroad Administration Office of Safety Analysis for the period of January through November 2014, with regard to highway rail crossing incidents involving semitrucks, trucks and busses, we found there were 515 incidents. For the same period in 2013, there were 453 incidents. This is a 14 percent increase in these incidents. The last similar incident that occurred in Nevada was in April 2013, but the potential for these collisions exists every day.

The provisions that would add subsection 5 to NRS 484B.560 by encouraging safer behavior on the part of commercial motor vehicle operators at railroad crossings would serve to help reduce the risk of these incidents. After viewing the referenced video of the Louisiana incident, you can see vapor escaping from one of the derailed train cars. That vapor was argon gas. Argon gas is not classified as toxic or poisonous, but in sufficient quantities can result in asphyxia.

We move millions of gallons and thousands of tons of hazardous substances over the railroad tracks in this State. Commodities include diesel fuel, gasoline, ethanol, LPG, anhydrous ammonia, chlorine and even high explosives. Any collision between a train and a vehicle raises the risk of a post-accident fire or derailment, which could result in the release of those materials with catastrophic consequences. The provisions added to S.B. 43 will encourage safer behavior on the part of the commercial motor vehicle operators and help mitigate the risk of such incidents.

In section 1, subsection 5, paragraph (a), the bill states there must be space for the commercial motor vehicle to move completely through the crossing. A commercial vehicle is often unable to move completely through the crossing at locations where roadways cross railroad tracks in close proximity to intersections. Traffic can back up and create a situation where the commercial vehicle does not have sufficient space. Sutro Street, Sage Street and Galletti Way in Reno and Bridge Street in Winnemucca are examples of locations where this could occur. I do not have examples of the rail corridor in Las Vegas but am sure there are similar locations that experience the same conditions. This provision addresses these issues and would help to avoid those incidents while increasing safety.

Section 1, subsection 5, paragraph (b) addresses the undercarriage clearance of vehicles. This problem occurs mostly at locations where the roadway approaches to the crossings are very steep; there are many crossings like this in Nevada in rural areas. On June 12, 1989, at the railroad crossing at Herschell Road, 8.5 miles west of Winnemucca, an incident similar to the one depicted in the video from Louisiana occurred. A lowboy trailer became high-centered on that crossing, and an eastbound freight train struck the trailer. The driver was outside of the vehicle at the time and was not injured. All three locomotives pulling the train derailed and overturned along with the first 25 cars of the train. All three members of the crew on that train were injured, two of them seriously enough to require helicopter transport to Reno for their injuries. The proposed provision to be added in section 5 would address this concern.

If we look beyond the scope of what this bill proposes with regard to motor vehicles, another concern would be highway rail-crossing incidents involving vehicles other than trucks, semitrucks and busses. When talking about other vehicles, I mean private vehicles owned by members of the public. When we view those statistics, they become more alarming. Statistics from the Federal Railroad Administration Office of Safety Analysis for the period of January through November 2014 considering all vehicles, show nearly a 10 percent increase compared to the same period in 2013.

On Tuesday night, there was an incident on New York's Metro-North Railroad in New York where a commuter train struck a vehicle that burst into flames and ignited a fire on the first car of the train. The driver died along with 5 passengers on the train, and another 12 people were injured. This is the type of accident we see more frequently in Nevada. This type of incident carries the same risk as a collision with a commercial vehicle with the potential for a post-accident fire, derailment, injuries or death to train crew and the possible release of hazardous materials being transported. With those facts in mind, I would propose an amendment to S.B. 43 to include language to apply those provisions contained in the proposed section 5 to apply to all motor vehicles in Nevada. Doing so will extend the initiative for drivers to engage in safer behavior at railroad crossings to increase safety for rail professionals who transport freight and the public in general.

Mr. Enos:

After a brief discussion with our safety professionals and proponents, we would agree to the proposed amendment from Mr. Parker.

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Chair Hammond:

Would the caution used by commercial vehicles to ensure there is room on the crossing apply to all vehicles?

Mr. Enos:

Yes.

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Chair Hammond:

I will close the hearing on S.B. 43. With no further business to come before the Committee, we are adjourned at 10:44 a.m.

RESPECTFULLY SUBMITTED:

Martha Barnes,
Committee Secretary

APPROVED BY:

Senator Scott Hammond, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
	C	27	Jim M. Wright	Department of Public Safety Overview
	D	22	Dennis S. Osborn	Nevada Highway Patrol 2014-2017 Strategic Plan
	E	18	Dennis S. Osborn Traci Pearl	Nevada Highway Patrol and Office of Traffic Safety Transportation Issues
	F	26	Troy L. Dillard	Presentation
S.B. 43	G	1	Jude Hurin	Letter
S.B. 43	H	3	Jude Hurin	Friendly Amendment
S.B. 43	I	2	Senator Scott Hammond	Letter of support
S.B. 43	J	1	Senator Scott Hammond	Email letter of support