

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

**Seventy-Ninth Session
March 28, 2017**

The Committee on Transportation was called to order by Chairman Richard Carrillo at 3:17 p.m. on Tuesday, March 28, 2017, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Richard Carrillo, Chairman
Assemblywoman Ellen B. Spiegel, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman John Ellison
Assemblyman Ozzie Fumo
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblyman Michael C. Sprinkle
Assemblyman Justin Watkins
Assemblyman Jim Wheeler
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Chris Edwards, Assembly District No. 19

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Darcy Johnson, Committee Counsel
Joan Waldock, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department
Mike Ramirez, Director of Governmental Affairs, Las Vegas Police Protective
Association Metro, Inc.
Jude Hurin, Administrator, Division of Management Services and Programs,
Department of Motor Vehicles
Natasha Koch, Captain, Nevada Highway Patrol, Department of Public Safety

Chairman Carrillo:

[Roll was called. Committee protocols and rules were explained.] We will open the hearing on Assembly Bill 334.

Assembly Bill 334: Prohibits a driver from operating a motor vehicle in the extreme left lane of a highway under certain circumstances. (BDR 43-154)

Assemblyman Jim Wheeler, Assembly District No. 39:

I was asked to present Assembly Bill 334 for Assemblyman Ellison today. It seems that every year millions of visitors come to Nevada. Whether they go to Las Vegas, travel on Interstate 80 across the state, or use U.S. Route 395 on the west side of the state, our roads see a lot of traffic. There is a large freight transfer presence in Nevada that adds to the already existing traffic. Many Nevadans and visitors find themselves in slow-moving, congested, and unsafe traffic. That causes delays, frustration, and in some cases, road rage, accidents, and other negative consequences. Assembly Bill 334 aims to encourage safe and fluid traffic movements on our roads by designating the left-hand lane for specific purposes—with exceptions that I will go through later.

I would like to point to a real-life example that should be on your desk and on the Nevada Electronic Legislative Information System (NELIS). You have a letter from Sandra Lee, asking you to please pass A.B. 334 ([Exhibit C](#)). You can see from her letter that this can cause road rage. I am sure all of us have gone through this. Every day, I drive between Carson City and Gardnerville on U.S. 395. There are a couple of signs that say, "Keep right except to pass." Every day as I go down U.S. 395 or come back up in the morning, I see traffic in both lanes. Inevitably, there will be someone in the right lane going about 55 or 60 miles per hour in a 65 miles per hour zone. That is fine, but you will have someone in the left lane pacing the slow car, and there will be no one in front of them. It is frustrating and it decreases the flow of traffic. Cars weave in and out of lanes trying to get around them. What A.B. 334 does is try to alleviate that situation in some ways by adding to what is in existing statute.

Section 1 amends Chapter 484B of *Nevada Revised Statutes* (NRS) by providing that a driver on a highway with two or more lanes for traffic traveling in the same direction may not continue to operate a motor vehicle in the extreme left lane of the highway if the driver knows, or reasonably should know, that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed.

Exceptions are provided for a vehicle in the extreme left lane for the purpose of overtaking another vehicle or preparing for a left turn. Let me expand on " . . . a vehicle in the extreme left lane for the purpose of overtaking another vehicle." Here we are talking about when, for instance, two slow trucks are going up a hill. One is driving at 30 miles per hour, the other one is driving 45 miles per hour in a 70 miles per hour speed zone. The faster truck needs to pull around the slower truck that must be allowed. Other exceptions include:

- A vehicle lawfully operating in a lane designated for high-occupancy vehicles, which is the left lane in many of the high-density lanes in the southern part of the state.
- A vehicle engaged in the construction, maintenance, or repair of the highway—perhaps a Department of Transportation (NDOT) worker or an emergency worker would need to pull over to the left shoulder.
- When traffic conditions such as inclement weather, obstructions, hazards, or compliance with an official traffic control device, or the directions of a peace officer make it necessary to drive in the extreme left lane.
- An authorized emergency vehicle in the course of official duties.

All of these would be exceptions. In the bill itself, there is also a commonsense exception for traffic—if the entire freeway is backed up, there is not much you can do about it.

There are penalties. A violation of the prohibition is a misdemeanor. The violator will be fined:

- \$50 for the first offense within the immediately preceding seven years.
- \$100 for a second offense within the immediately preceding seven years.
- \$250 for a third or subsequent offense within the immediately preceding seven years.

I was told moments ago that there is a fine for this now that averages about \$180, but I believe the author of the bill wanted to take these steps to give an incremental move as a deterrent.

Assembly 334 addresses the problems due to slow-moving, congested, and unsafe traffic lanes that visitors and Nevadans face every day. About 40 states already have laws that specify the left lane for passing or faster traffic. This is not a new issue; many other states have taken steps to make roads safer. Mr. Chairman, that concludes my remarks. I am open to take questions.

Assemblyman Sprinkle:

Does this require someone to move over to the right if traveling at the speed limit?

Assemblyman Wheeler:

The way the bill is written, the answer is yes. They would be required to move over to the right if they are traveling at the speed limit.

Assemblyman Sprinkle:

Regarding the infraction—is there a distance that must be traveled? How would you know? How does a person that is in the left lane know that someone following wants to pass? If the driver is doing what he is supposed to be doing, he would be keeping a fair distance back in order to brake safely. What would be the indicators that a car wanted to pass, so drivers would know to move to the right?

Assemblyman Wheeler:

I do not believe there is any set length of time in the bill, but the bill is obviously open for amendment. I think that should be up to our officers' discretion to determine if a car is blocking traffic or not letting cars pass—is the vehicle in an unsafe location. In the training I received many years ago, officers were trained to look for unsafe practices. I think that is the intent of the bill.

Assemblyman Sprinkle:

Is this already designated in statute? Could you describe what the unsafe conditions are that officers could observe? How will an officer be able to determine if someone is impeding traffic or doing something that would break this law that we are considering?

Assemblyman Wheeler:

I believe the law is in existing statute. The problem is that it is not being enforced because guidelines for enforcement do not exist. This bill would set some of those guidelines. I believe this would involve training for law enforcement officers in addition to that which they have already received. It is obvious to see—you can see it when you are behind a group of cars that is led by two cars that are pacing each other. You can see other cars jinking in and out, trying to get around them. I have seen people tailgate cars that are doing this. Those would be the conditions that our officers would look for.

Assemblyman Sprinkle:

If you are driving at the speed limit, you would not think that you need to move over to the right lane because you are going as fast as you are supposed to be going. It seems to be unclear how a driver would know if he or she was breaking the law.

Assemblyman Wheeler:

I understand exactly what you are saying. When you are driving up the Kingsbury Grade, even if you are driving at the speed limit—if there are four to five cars behind you, you are supposed to use the turnout to let those vehicles by. If you have ever driven in other states—especially in the southern states—or throughout Europe, you will see most people driving in

the right lane, even on a four-line highway with two lanes in each direction. On an eight-lane highway, most people drive in the two right lanes, leaving the inner lanes for passing. It is very, very safe. In my opinion, this is a matter of education. If there is no reason to be in the left lane, there is just no reason to be in the left lane. If you are going the speed limit, stay in the right lane unless you want to go around somebody.

Assemblyman Ellison:

For clarification, I-80 is a disaster area right now. I have met with people from NDOT. The best way to educate drivers is with signs that say, "Slower traffic keep right." That would end most of the problems. We had two calls in one day from constituents about this. If we could put signs up on I-80, it would help. There is one summit that is 6,100 feet and the other is 5,800 feet. When you get people side-by-side, traffic starts backing up and there is the potential for road rage. We are hoping that NDOT will erect signs, resolving a lot of the issues. The signs used to be there, but have been removed.

Assemblyman Watkins:

I am confused as to what is the ultimate intent of the bill. I do not see any language repealing existing law, so we would have two competing laws on the books that people have to comply with—one having escalating penalties; one that is higher in the beginning but does not escalate. It seems as if we are dealing with an enforcement issue, meaning the law is not the problem, but enforcement of the law is. Where do you envision this going, if passed? How do we resolve that conflict?

Assemblyman Wheeler:

You noticed that conflict too. I think this can be worked out through some amendments, although I have not talked to the bill sponsor about that yet. The incremental penalties, being in the latest law, would take precedence. They would give a person a chance, instead of having a higher penalty for a first offense. Our officers may be hesitant to write a ticket for \$180; this bill would make the first ticket be a \$50 ticket.

Chairman Carrillo:

Are there any other questions from Committee members? [There were none.] I would like to discuss impeding the flow of traffic. Maybe someone from the Las Vegas Metropolitan Police Department (Metro) or from Nevada Highway Patrol (NHP) would like to chime in on this. Would it be considered impeding the flow of traffic if you have two vehicles pacing each other and traffic starts backing up? Before you know it, someone uses the far left shoulder to get around them. Is impeding the flow of traffic the biggest part of this bill?

Assemblyman Wheeler:

Yes, that is exactly the point of this bill. This gives our officers another tool to use to stop that impediment.

Chairman Carrillo:

Is there anyone in support?

Assemblyman Chris Edwards, Assembly District No. 19:

I am in support of this bill. I have a friendly amendment that I have shown to the sponsor. We are going to work out some of the details. Some of the changes are intended to address some of the issues this Committee has brought up—in part, the level and progression of the fines; how to come up behind a vehicle so that the driver ahead will know to move over; and some of the other complications.

This past Saturday, going up Interstate 15, I was in the left lane trying to pass a couple of people, but there was somebody moseying along at 67 miles per hour in a 75 miles per hour zone. That was bad enough, but the driver was at pace with the motorcycles in the right lane, so I could not move around that way. This is a dangerous situation. On the one hand, you should expect drivers in the left lane to be moving at a good speed, at least at the speed limit. If you have a reason to go faster because of an emergency relating to health or safety, you need to be able to get by, and the other drivers need to move over.

The laws have been on the books for over 100 years that the left lane is the passing lane. People seem to forget that. We want to reemphasize that the left lane is the passing lane in order for traffic to move along. Staying in the left lane, blocking, and making people go over to the right lane to pass all endanger people on our roadways. We need to stop letting them do that. This bill enforces and reinforces the laws and will encourage drivers to be more courteous on the roadways. I will include some ways that will help drivers in the left lane going the speed limit know that someone needs to get by them. I will have that amendment to the bill's sponsor within the next day.

Chairman Carrillo:

Is the sponsor okay with the amendment?

Assemblyman Edwards:

He has seen it and seems favorable to it, but we need to make sure that everything lines up.

Chairman Carrillo:

Is there anyone else in support in Carson City? [There was no one.] Is there support in Las Vegas? [There was none.] Is there opposition to A.B. 334 in Carson City? [There was none.] Is there opposition in southern Nevada? [There was none.] There is no one to testify as neutral in Las Vegas. Is there neutral testimony in Carson City?

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

We are signing in as neutral on this bill. This law is currently found in NRS 484B.627. Subsection 1(b) says, "If the highway has two or more clearly marked lanes for traffic traveling in the direction in which the driver is traveling, drive in the extreme right-hand lane except when necessary to pass other slowly moving vehicles." The other question that came up concerned traveling on a two-lane road; that is covered under NRS 484B.630—if there are five or more vehicles behind you, you have to pull over to the right, allowing them to pass. I talked to someone in traffic in the south. He said the current fine is \$180 for an infraction.

Assemblyman Watkins:

Do you see anything in this bill that gives you additional tools for enforcement of the rules of the road?

Brian O'Callaghan:

No, I think this is more semantics since it is currently in law.

Assemblyman Watkins:

Do you have the statistics as to how often this is ticketed in Metro's jurisdiction or statewide?

Brian O'Callaghan:

No, I do not. I can find out for you.

Assemblyman Ellison:

If I go across the state of Nevada from California to Utah on I-80, there is no speed limit sign. If I am driving 85 miles per hour and I am pulled over by law enforcement, I would say there was not a sign telling me what the speed limit is. Law enforcement will tell me that I should know what the speed limit is. Is that correct? That is my first question. If I can go across the state of Nevada and not see a sign that tells me that slower traffic is to keep right, what gives me the incentive to keep to the right? I think that is the problem we are having.

Brian O'Callaghan:

You are correct. I failed to mention that. I think educating drivers is most important. We need to have signs informing slower drivers to move to the right.

Chairman Carrillo:

Are there questions from any other Committee members?

Assemblywoman Spiegel:

Earlier there was some discussion about graduated penalties enhancing enforcement. The speculation was that an officer might be hesitant to give someone a \$180 ticket. Do you think the incremental penalties would be helpful? Do officers ever just give warnings in this kind of situation? Is there a way to track how many warnings, as opposed to tickets, have been given?

Brian O'Callaghan:

I can speak for Metro's jurisdiction that the amount of a fine does not concern us—the fines go into a general fund; we do not gain anything from giving out citations.

Assemblywoman Spiegel:

Are warnings ever given to drivers instead of tickets? If so, is that tracked?

Brian O'Callaghan:

It is tracked if a warning citation is given. An officer, at his or her discretion, can pull a driver over and explain an infraction without issuing a warning citation. Verbal warnings are not tracked. If a warning citation is given, it would go into the system and could be tracked.

Assemblywoman Spiegel:

Do you know if warning citations are being given out for this or how it compares to other warning citations? My underlying question is—are we having as big an enforcement problem as we think we are?

Brian O'Callaghan:

I do not think the problem is with enforcement, but whether or not an officer is present when this situation occurs. Going from Las Vegas to Utah, I have had that problem. I have even pulled someone over because the driver stayed in the left lane. His argument was that the right lane was rough from trucks using it, claiming it was hard on his car. That is a good argument for not beating your vehicle up, but he was impeding traffic.

To get back to the Chairman's question—if there are two vehicles matched at the same speed, if another vehicle comes up in the left lane and tries to push a vehicle out of the way, that third driver would be considered more aggressive and would more than likely receive a citation because that move is more dangerous.

Chairman Carrillo:

Workers driving from Las Vegas to the Nevada Test Site or people driving to the prisons will start blocking up the left lane because they will have to take a left turn from the center of the highway. The same thing happens going up to Kyle Canyon—people will need to make a left turn to go up to Mount Charleston, so they start positioning themselves in the left lane. On I-80 people can drive for miles clogging up the left lane. There are times I am stuck behind somebody, but there is nothing I can do beyond flashing my headlights, hoping the driver does not brake check me because I am being overly aggressive. We may never be able to do away with this—people will continue to do it. If law enforcement is not there, nothing is going to happen. I cannot call and say I want to report it, giving you the license plate number of the car clogging up traffic. What would you suggest?

Brian O'Callaghan:

If traffic on a major highway is being blocked by one or two cars, NHP will respond. But how often does the kind of a backup occur that causes a danger?

Assemblyman Sprinkle:

From a purely legal perspective, if someone is driving the speed limit in the left-hand lane, how can that be impeding traffic even if there are cars behind them?

Brian O'Callaghan:

The law stipulates the left lane is a passing lane. If there are no cars next to you, you are supposed to move back to the right lane after you have passed. If I am behind another vehicle in the right lane and it is going slower than I am, I can use the left lane to pass, then I need to move back to the right lane. If a driver in the left lane is going the speed limit but is blocking the lane, he still needs to move to the right lane.

Assemblyman Sprinkle:

Is that because he would be using the left lane as a traveling lane?

Brian O'Callaghan:

That is correct. If the car is going 65 miles per hour but the flow of traffic is at 70 miles per hour, that car could potentially be stopped for impeding traffic. Why? Because it is not going with the flow of traffic.

Assemblyman Sprinkle:

If the speed limit is 65 miles per hour, how can traveling at that rate of speed be considered impeding traffic?

Brian O'Callaghan:

If you are going 65 miles per hour and are in the left lane, you need to move to the right lane. But, if you driving at 65 miles per hour when the flow of traffic is moving faster, you would still need to be in the right lane.

Chairman Carrillo:

Are there any other questions from members of the Committee? [There were none.]

Mike Ramirez, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.:

To mirror what Mr. O'Callaghan said, we are neutral. The education piece is important—signs would educate drivers. We are all for that. Officers phone me on the way to a call to tell me that people are driving 40 miles per hour in all three lanes of Rainbow Boulevard. I suggest they move them out of the way. Statistics on stopping cars for driving in the left lane would be something NHP might be able to help with, as they deal with drivers on the highway. Every once in a while I have stopped people who will not move over. I have given warnings that the left lane is for passing or for emergency vehicles, telling them that if they are not passing, they need to move over.

Assemblywoman Monroe-Moreno:

When I took my driver's license test, there was a question on the test about using the left lane. Is it not still a question on the test?

Mike Ramirez:

I could not tell you if that is still on the test.

**Jude Hurin, Administrator, Division of Management Services and Programs,
Department of Motor Vehicles:**

Currently, there is not a question in our knowledge-based test regarding left lane usage. If this bill passes, our driver's license handbook and our knowledge test questions would be reviewed. We would possibly put that in for clarification. It is a good educational tool. We would also look at updating our websites to make sure that the information would be there as well.

Assemblywoman Monroe-Moreno:

You said, "If this bill does pass." Even if it does not pass, now that we know it is an issue could we update?

Jude Hurin:

You are correct, since Mr. O'Callaghan indicated that it is current law. We will update that.

Chairman Carrillo:

Will that add a fiscal note to this bill?

Jude Hurin:

There would not be a fiscal note as that is part of our contract with the vendors.

Chairman Carrillo:

There are no further questions for Mr. Ramirez.

Natasha Koch, Captain, Nevada Highway Patrol, Department of Public Safety:

We are neutral on this bill, but I wanted to clarify a question Chairman Carrillo asked. If you call to report something, providing us with the license plate number, NHP will respond. If you tell us you will sign the citation, since we were not there to witness the infraction, we will issue a citation to the violator.

Chairman Carrillo:

I have often wondered about that when I see someone driving in a crazy manner. There may be no impediment to traffic, but if someone is weaving in and out of traffic, that is just a crash waiting to happen.

Natasha Koch:

We get those calls quite often. It is common to hear a dispatcher say that a caller is willing to sign.

Assemblyman Ellison:

I have called the NHP several times to report trucks driving side by side with the drivers talking to each other on CB radios while traffic stacked up behind them. As a result, NHP officers pulled them over to let them know they cannot do that. I started keeping notes on an electronic tablet in my truck. Each time I see traffic backing up, I mark down license plate numbers. Most of the vehicles I have seen staying in the left lane have license plates from

Idaho and California, maybe because they are coming off wider highways. I think the signs would help a lot.

Natasha Koch:

I think that education and the signs are very important in this case. When you travel through California, there are signs that say that slower traffic must move to the right.

Chairman Carrillo:

Assemblyman Wheeler, do you have any closing remarks?

Assemblyman Wheeler:

Mr. O'Callaghan was talking about NRS Chapter 484B. This bill would take precedence since it would change NRS Chapter 484B. We would have a graduated fine system if we passed this bill. I would be happy to work with anybody on the bill.

Chairman Carrillo:

We will close the hearing on Assembly Bill 334. Is there anyone here for public comment? [There was no one.] We are adjourned [at 4:01 p.m.].

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

Assemblyman Richard Carrillo, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a letter in support of Assembly Bill 334 to the Assembly Committee on Transportation from Sandra Lee, Private Citizen, North Las Vegas, Nevada.