

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-ninth Session  
May 9, 2017**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 8:37 a.m. on Tuesday, May 9, 2017, 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 Mark A. Manendo, Chair  
Senator Kelvin Atkinson, Vice Chair  
Senator Don Gustavson  
Senator Scott Hammond  
Senator Patricia Farley

**GUEST LEGISLATORS PRESENT:**

Assemblyman Richard Carrillo, Assembly District No. 18  
Assemblyman Chris Edwards, Assembly District No. 19  
Assemblyman Ozzie Fumo, Assembly District No. 21

**STAFF MEMBERS PRESENT:**

Michelle Van Geel, Policy Analyst  
Darcy Johnson, Counsel  
Debbie Shope, Committee Secretary

**OTHERS PRESENT:**

Brian O'Callaghan, Las Vegas Metropolitan Police Department  
Linda VanVranken  
Roy Baughman, Lieutenant, MCSAP Coordinator, Nevada Highway Patrol,  
Department of Public Safety  
Bradley Keating, Clark County School District

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Jeanne Parrett  
Alison Brasier, Nevada Justice Association  
Ben Cloward, Harvey's Law, Nevada Justice Association  
Elaine Chernikoff, Harvey's Law  
Neil Chernikoff, Harvey's Law  
Fran Almaraz, Teamsters Local No. 986 and Teamsters Local No. 631  
David Clyde, Regional Transportation Commission of Southern Nevada

CHAIR MANENDO:

We are going to open the hearing on Assembly Bill (A.B.) 335.

**ASSEMBLY BILL 335 (1st Reprint)**: Revises provisions governing motor vehicles and off-highway vehicles. (BDR 43-670)

ASSEMBLYMAN CHRIS EDWARDS (Assembly District No. 19):

Assembly Bill 335 does a very simple thing. It requires that mopeds when on roads that have two lanes going in the same direction, they have to drive in the right-hand lane. This is simply a matter of public safety. I am sure we have all been caught behind some of them that are in the left lane who will not move to the right lane. They oftentimes forget that the right lane is considered the travel lane, and the left lane is a passing lane. If they are not passing, they are in the wrong lane. Many hazards are created because drivers may not see them until it is too late; they do not expect them to be going that slow. Accidents can happen, and people can get hurt. This bill is to move those mopeds over into the right lane. Since they are driving 30 miles per hour or less, they should not be in the left lane unless they are making a turn.

SENATOR FARLEY:

It is not only mopeds that move slow. It is other vehicles, too. What is concerning is there are a lot of emergency vehicles that cannot get through the traffic. I was wondering if you looked at that scope and what the feedback was?

ASSEMBLYMAN EDWARDS:

You will be hearing another bill on that issue, which I cosponsored.

SENATOR FARLEY:

I did not know if this was that bill, but this proposal is good. I used to live off Charleston Boulevard and Rampart Boulevard where there was a deadly moped

crash. I think anything we can do to keep those vehicles operating safely is a good idea.

BRIAN O'CALLAGHAN (Las Vegas Metropolitan Police Department):

The Las Vegas Metropolitan Police Department is in support of the bill because it is a danger when mopeds are in the left lane. I believe the bill is Assemblyman Ellison's that has come up on the slow moving vehicles in the left-hand lane. There are road signs out there, and if you drive north or south on U.S. Highway 395 between Carson City and Gardnerville, there is a sign that reads Slower Traffic Keep Right.

CHAIR MANENDO:

It is A.B. 334.

**ASSEMBLY BILL No. 334 (1st Reprint)**: Prohibits a driver from operating a motor vehicle in the extreme left lane of a controlled-access highway under certain circumstances. (BDR 43-154)

LINDA VANVRANKEN:

I have an amended proposal ([Exhibit C](#)). I began this campaign when I started to register my 50 cubic centimeter (cc) moped and was told it is now a 50 cc motorcycle. Knowing what I was riding was not a motorcycle, I could see the potential for some very dangerous situations if the three horsepower moped is classified as a motorcycle. What brought this to my attention was a section of the Department of Motor Vehicles (DMV) Website on the moped registration page. The DMV Website's wording for moped classification was conflicting with the *Nevada Revised Statutes* (NRS). The Website stated that the engine size, 50 cc or less, was the primary determining factor for these vehicles being defined as a moped. This particular passage has since been removed.

The engine sizes are measured by displacement. In this case, it is measured in ccs which is considered the size of the engine. The engine size is a constant and will not change. Therefore, the 50 cc engine will only be and remain a 50 cc engine. However, horsepower varies greatly due to many different factors. Calculating horsepower can be a complex and subjective issue as there are different types. To determine horsepower, one must first ascertain the foot-pounds of torque and the rotations per minute, and then divide them by the number 5,252. Gross brake horsepower is calculated before the inherent loss of power, considering engine stripped by itself without any add-ons. The difference

in observable power between the two horsepower and the three horsepower moped is minimal, and much of the time is non-existent. There are even instances where the two horsepower is quicker than the three horsepower, but never will the three horsepower moped be equal to any motorcycle. It is not even equal to an 80 cc moped, let alone a 250 cc motorcycle.

The power difference between a moped and an actual motorcycle is enormous. To classify the three horsepower moped as a motorcycle is simply wrong and potentially dangerous in many ways. The maneuverability of these mopeds is not realistically comparable to that of a motorcycle. A motorcycle generally has larger wheels, which provide better handling and maneuverability. Motorcycles have an external clutch and gear system; moped does not. These things all put together make a 50 cc 3 horsepower moped just that, a moped. The moped, regardless of whether it is two or three horsepower, was not intended nor designed to be operated on the freeway. It was rather designed for urban or even rural street applications, for short to medium distances and intended to be an economical alternative to more expensive gas guzzling automobiles.

The point I am trying to make is this. The 50 cc 3 horsepower moped is still just a moped, not a motorcycle, and should be classified the same as the 2 horsepower. I see no discernable plus side to this continued separation. It is the size of the engine, the ccs, that should define the classification. My proposed amendment is to remove the words "2 gross brake horsepower" from NRS 482.069.

CHAIR MANENDO:

Thank you for bringing forth your proposed amendment for consideration for the Committee. I have been informed that this may not be germane to this bill. We will have our legal staff look into it. We are not processing the bill today anyway, but we will soon. I hope that we will get an answer back, and the Committee will have to talk about it being worthy of passage on this particular piece of legislation.

I will close the hearing on A.B. 335. We will open the hearing on A.B. 485.

**ASSEMBLY BILL 485 (1st Reprint)**: Makes various changes relating to school buses. (BDR 43-36)

This bill has created a lot of interest. Patrick Walker of KLAS Channel 8 News contacted me and I went to talk with you, Assemblyman Carrillo, to see if we could move this bill up.

ASSEMBLYMAN RICHARD CARRILLO (Assembly District No. 18):

I am addressing the school bus seat belts section of A.B. 485. There may be more testimony on other sections of this bill.

As many of you know, there seems to be an unusual amount of school buses involved in crashes in Clark County since the beginning of 2017. When I presented this bill in the Assembly, there was an incident in which a Clark County School District (CCSD) school bus was carrying 70 students and collided with another vehicle. Two students were injured in that crash.

It saddens me to sit in front of you today and not be able to tell you that was the last serious crash involving a school bus in Nevada. I am sure you have all heard about last Thursday, May 4, where there was a tragic crash, which injured 14 children after the school bus rolled onto its side. Unfortunately, the driver that was in the other vehicle passed away. I am not sure of the condition of the girl that was in the vehicle with her grandmother. The stories from the children inside that bus was one of chaos, kids flying out of their seats, backpacks and dirt flying everywhere.

According to NRS 484D.495, all passengers in a motor vehicle must wear seat belts. This provision is exempted for school buses. For most people, getting into their car and putting their seat belts on is second nature. For our children, this is very clear since they are buckled into car seats from their first car ride home. This action has become ingrained in all of us. However, students get on buses every day all over the State, and most buses are not equipped with safety equipment.

During the last school year, 2015 to 2016, Clark County reported 495 school bus involved crashes. In January 2017, there were 64 school bus involved crashes. Clark County is not alone. I was able to find articles about school bus involved crashes from other counties in Nevada as well. However, this is a National problem. Last year, six people were killed when a school bus in Baltimore, Maryland crashed head-on with a public transit bus. Three weeks later, six elementary school children were killed when their school bus crashed

in Chattanooga, Tennessee. It was that crash in Chattanooga that inspired this bill.

When I made this presentation to the Assembly Committee on Transportation, I played a video showing school bus crashes from the perspective of onboard cameras. However, in light of the recent tragic events in Las Vegas and out of caution and sensitivity to the trauma of the families and students, I am not going to play that video. I will make sure it is provided to all the Committee members to watch, if you wish to do so.

I will talk you through this portion of the bill. Section 3 of the bill requires that any new buses purchased by a school district must be outfitted with shoulder-harness-type safety belt assemblies. The July 1, 2019 effective date is not to conflict with existing contracts that have already been agreed upon by school districts.

Ultimately, keeping our students safe to and from their neighborhoods to school should be a priority. This portion of the bill is intended to ensure that all the students are as safe as possible while riding in the school bus and to help prevent needless injuries or deaths.

I believe representatives from the Department of Public Safety are here and may want to come up and address their proposed amendments. They may be able to assist with this portion.

ROY BAUGHMAN, Lieutenant (MCSAP Coordinator, Nevada Highway Patrol, Department of Public Safety):

During a Legislative Counsel Bureau audit, we realized that the definition of a school bus is very broad in the State as it says "any vehicle." We have asked that the definition of a school bus be brought in line with the federal regulations. Section 1, subsection 1 of A.B. 485 amends NRS 484A.230 and adds "is designed or used to carry more than 10 passengers in addition to the driver." As part of section 1, we are also going to classify what is called a multifunction school bus. These are school buses that are not designed to pick up and deliver children to and from school. These are the road buses, regular motor coaches and the ones that are not yellow. They do not have red flashing lights, and they are not marked as school buses. They are just a multifunction bus that is used for transporting students from an activity to another activity and parking lot to parking lot. This is located in section 1, subsection 2, paragraph (c). Also, as

part of section 5, this applies to the purchase of private school buses as well for the effective date of 2019.

During the split of the DMV and the Department of Public Safety (DPS) back in the early 2000s, we found out there was some existing law that required DMV to inspect school buses. The Highway Patrol has been doing that ever since the split of the two Departments, so we are just realigning the language from the DMV to the DPS. This is in sections 5 and 6 of A.B. 485.

ASSEMBLYMAN CARRILLO:

I believe there is a conceptual amendment from our legal staff for more cleanup ([Exhibit D](#)). They may want to address that.

DARCY JOHNSON (Counsel):

There was a bill passed earlier in this Session, A.B. 469. It was signed into law yesterday.

**ASSEMBLY BILL 469**: Provides for the reorganization of large school districts in this State. (BDR 34-986)

On page 3 of A.B. 485, on lines 7 and 8, it changes the definition, "Limited English proficient." When we drafted this bill that we are looking at, we changed that definition, not as a part of the bill, but because the federal statute reference had changed. We put that in as a correction. As long as we were amending this section, we decided to fix this as well. What happened is in A.B. 469, the same section was also amended in a slightly different way with the same objective, to change the federal reference. We would end up with a conflict in codification if both of these bills passed. We are requesting to revise how we amended the definition in this bill, to match what we did in the other bill. What we did in the other bill is crossed it out and changed the term to "English learner" instead of keeping the "limited English proficient." It will make our job easier in codification. Without this change, we will have to add that to our ratification bill next Session to fix it after the fact.

SENATOR GUSTAVSON:

I know this bill has been before us in sessions past. The way these buses are designed, they are compartmentalized for safety reasons. They have changed the seat backs to be higher. There have been instances in the past where the school districts, have recommended to not use seat belts. First, you will have to

use a monitor to make sure the children stay in the seat belts. I do not know if these seat belts are like the seat belts in cars where you can see if the person is not fastened in. It might be something to take into consideration. Second, children could play with the seat belts, swing them around and hit other children with them. There were several reasons why we did not pass this in previous sessions. What has changed? I understand this is an issue and why you are bringing the bill forward. I know there are school bus accidents and fatalities. We never want to lose anybody in a crash of any type. What has changed today that did not make it mandatory in the past?

ASSEMBLYMAN CARRILLO:

Primarily, statistics have changed. The last change was in 2011. It was determined that compartmentalization does take care of a lot of it. The problem is when you start getting into other types of crashes where the bus rolls over, one of the primary reasons of the children losing their lives was because the compartmentalization did not help them. As soon as the bus overturns, they become airborne. They are still in a bus in a bigger compartment, but are now banging against the roof of the bus and against other students; that is where the injuries start. The crash in Las Vegas last week happened in a desert area. Had it happened in a more populous area, where the bus may have run into a pole, a building or other cars, and the time of day had been different due to more traffic, we would have seen more fatalities, rather than critical and moderate injuries.

The biggest issue I had facing me to get this through the Assembly was the fiscal note. Working with the county school district, I explained to them that we cannot keep "kicking this can down the road" for two more years. As you have said, we have had this bill in the past. I am not sure if the buses can be set up so the seat belts can have buzzers like a car has when they are unhooked. The first thing we teach our children is to buckle up. If the bus driver has to do a pass through the bus to make sure the children are buckled in, that might become part of the standard operating procedure that bus drivers will have to ensure. This is no different from when they drive buses where there are special needs children. They want to make sure the children are secured in place. They could do a once through to make sure all those children are secured in place. I cannot speak to that part, but it might be something that we implement or it might be part of their protocol that they would have to ensure. We just want to make sure we get them to and from school, and we return them home at the end of the day. This is one more step to ensure their safety.



SENATOR GUSTAVSON:

I strongly believe in seat belts, I always use them, always have. I was just going back to previous bills and was wondering why this was not passed in previous sessions and was wondering what the difference is. I see there is a large fiscal note on this bill. Is this something the counties will have to deal with, and are we making an unfunded mandate to the counties? It is one of those tough decisions that we have to make.

ASSEMBLYMAN CARRILLO:

Right now there are zero fiscal notes on this bill. As I have stated in my testimony, I worked with the county school districts, specifically Clark County. We are not talking about the existing buses; we are talking about buses going forward. Unfortunately, I would like to see all buses retrofitted tomorrow, but if we just keep pushing it down the road further, we will never put seat belts in buses. This is that step we need to do to ensure the safety of our children.

CHAIR MANENDO:

This issue has been brought up over many decades that I have been in this building. We always kick the can down the road on this particular issue.

SENATOR HAMMOND:

Do you know of any of the districts that have seat belts in its buses that the children can use? If so, what are the numbers of buses they have in their fleets?

ASSEMBLYMAN CARRILLO:

I have heard that Washoe County School District has implemented seat belts in its buses, but I have not confirmed that. The only buses that do have seat belts are the buses that carry the special needs children.

SENATOR HAMMOND:

I know of at least one bus in Washoe county, because we rode in it to one of the schools two to four years ago when we went on a field trip in Paradise Valley. I do not know if they have any buses in Las Vegas with seat belts.

In preparing for the bill and knowing we are going to start in 2019 when the contract is up, how long will it take to replace the fleet that we have now? Is there any contemplation of retrofitting any of the buses; is that something that can take place? I suspect there are a few other counties that do have buses but not many to replace in their fleets; it may only take one contract.

ASSEMBLYMAN CARRILLO:

The discussion about retrofitting is part of the budgetary issue. I think the school district would be better suited to answer those particular questions to ensure accurate numbers, either with the retrofit or moving forward with purchasing of new buses after July 2019.

SENATOR HAMMOND:

We must ensure that the youngest of the children who are being transported safely on these vehicles, such as the five- to nine-year-olds who need booster seats. The new buses have the higher backs, and I saw some buses that actually have pull-out booster seats that the children can sit on. Is that contemplated in the bill, making sure there are enough of those types of seats on the buses in the fleet?

BRADLEY KEATING (Clark County School District):

It is something that we are working on with the manufacturer to determine which buses will receive the booster seats as we look at how we are going to move forward in planning the new buses as they are implemented.

SENATOR HAMMOND:

You contracted with one manufacturer, and you will have a new contract in 2019. How many bus companies actually make these buses with safety in mind, with seat belts and with the booster seats?

MR. KEATING:

I do not have the exact number. I can get that for you. I do know, there are a few companies out there that will retrofit our buses.

SENATOR HAMMOND:

Are you contemplating retrofitting some of them?

MR. KEATING:

Depending on how the bill goes, we would look at retrofitting them.

SENATOR HAMMOND:

How long would it take to replace the fleet you have now?

MR. KEATING:

Clark County School District currently has, as Assemblyman Carrillo stated, our school buses that have seat belts that transport students with special needs. We have just under 950 school buses for general education students. Those would be the buses that need to be retrofitted. I do not have an answer as to how quickly we can retrofit those 950 buses.

SENATOR HAMMOND:

The question was not so much about retrofitting because I did not know if you were going to do that or not. The question was how long would it take to complete the fleet, when you start purchasing buses? How long will it be before the 950 buses will be replaced with buses with seat belts so parents will know when to expect all of their children to be transported in a safe manner?

MR. KEATING:

Our life cycle right now has about 100 buses each year that we go through. Therefore, it would be a ten-year cycle.

CHAIR MANENDO:

What is the cost to retrofit a bus?

ASSEMBLYMAN CARRILLO:

Prior to this bill, on average it is anywhere between \$25,000 and \$30,000 for a retrofit. Obviously, when the buses are manufactured, they are making the buses with the seat belts and booster seats in them at the time. It is no different than if you purchase a vehicle from a factory where it has gone through an assembly line and they are putting everything in. It is a little cheaper and less labor intensive than someone having to modify seats. Remember the compartmentalization? Now you have seat belts, but you actually carry fewer students in the buses. I believe the number of seats drop by four or five, so that is ten students less, give or take, that the bus can carry.

CHAIR MANENDO:

It is \$25,000 to \$30,000 to retrofit the buses today that have no seat belts. What is the additional cost to the buses you purchase with the seat belts?

ASSEMBLYMAN CARRILLO:

It is a third of the cost of the retrofit versus actually purchasing the bus with seat belts already installed. This bill was not intending to require retrofitting

because those are monies the counties would not have budgeted for. We are suggesting recycling 100 buses at a time until they are all replaced. We just want to ensure the safety of the children.

CHAIR MANENDO:

This does not prevent any of the school districts from retrofitting. If for some reason they have some extra money and they want to or are able to retrofit, they can. There may be an opportunity to retrofit some. Obviously, it will take a while for the whole cycle of the fleet to happen.

This issue has been out for a while, and there has always been a cost. We have debated retrofitting and buying new buses with seat belts installed. That was an issue because of the added cost; it was something people had pushed back on. I am glad people are finally realizing this is a big issue for our kids' safety, not only in school, but also the safety of our children going to and from school.

Years ago, there was a bill to try to reduce the distance for elementary children to walk, to and from home, by a half mile. It was discovered that children were crossing over some major streets that were busy, such as Nellis Boulevard. We tried to solve that problem by shortening the distance, and of course, that was going to cost money because the school district needed to add more buses. The school district required that the bus stop be right on Nellis Boulevard. We suggested the bus stop could be inside the park so the children could play. The bus could go in and pick them up. It was a fight to get the bus stop changed to inside the park. Some parents called the media. The day the media came out there was a crash right where the children would have been before we made the change to the pickup location for the children.

MR. KEATING:

I want to state for the record, Clark County School District is in support of A.B. 485. We appreciate working with Assemblyman Carrillo so that the effective date can be July 1, 2019. We are in the middle of some new buses coming in, and our contract for new buses was just finalized, so we appreciate him working with that date. Because of this change, there is no fiscal note on this. With last week's tragedy, it was sad to see what happened. We all saw the pictures of that crash and listened to the stories. We are lucky that the school bus did what it did with the students that were on that bus. All were treated and released rather quickly with minor injuries. However, we do

recognize the need for student safety and are happy to support this bill and ensure that our new buses have seat belts.

CHAIR MANENDO:

My understanding is the school bus driver did an excellent job, and we appreciate the service that this man did and the care he took for our students. He deserves a shout out of appreciation and gratitude.

Have you already completed the contract you mentioned? Are the buses on the way now?

MR. KEATING:

Some have been shipped and some are under construction. They are on a time line to be shipped.

CHAIR MANENDO:

Regarding the ones that are under construction, is there any way for those that have not been finished to have the seat belts installed into them?

MR. KEATING:

We can certainly ask that question and get the cost of what that would be. Understanding the \$25,000 to \$30,000 for the seat belts, the one other thing we would need to look at as Assemblyman Carrillo mentioned, is the loss of six seats on each of those buses. We would most likely need to purchase one to three additional buses. However, I can certainly find out with our transportation team.

CHAIR MANENDO:

There are many people who want to see this bill pass. They also want to know if there is any way to expedite the addition of seat belts, and want to find out if there is any option for the districts, especially in a situation where the buses have not arrived and are still being manufactured to have the seat belts installed. There might be a way to make that work. If that were a possibility to get some of those ahead of time, it would be wonderful, since they are still under construction. If you could get back to us as soon as possible on that question, we would appreciate it.

MR. O'CALLAGHAN:

As was stated earlier, the bus did its job last week. Buses with seat belts are safer. I do not know what the percentage is, but buses are six or seven times safer than a passenger vehicle, but for best safety practices, Las Vegas Metropolitan Police Department supports having seat belts in the school buses.

JEANNE PARRETT:

In 1981, my nine-year-old nephew absolutely loved baseball, roller skating and olives. He was on his way to a roller skating training class on a bus that went around a curve at approximately 15 miles per hour. The buses emergency exit door flew open. He fell out and hit his head. Had seat belts been in that bus, we would never have had to witness him suffer for four months before he passed away.

This happened in Dayton, Ohio in 1981, and we have been fighting since then, to have seat belts installed in school buses. We keep hearing the cost. What kind of cost can you put on a young man's life? I am in support of the bill.

CHAIR MANENDO:

I will say that I am equally as frustrated, and there are so many times that we hear the cost of public safety, but there is a cost to public safety. It is a matter of the public, like you, coming forward and saying we feel that the expenditure of our tax dollars for public safety is appropriate and proper, especially when it comes to children. This particular piece of legislation should have happened a long time ago. I am excited to see it processing.

ASSEMBLYMAN CARRILLO:

The representative from the CCSD did confirm that Washoe County does have seat belts on their general buses. It is happening. This is definitely an important bill and I would like to see it move forward.

CHAIR MANENDO:

We will close the hearing on A.B. 485. We are going to open the hearing on A.B. 234.

**ASSEMBLY BILL 234 (2nd Reprint)**: Revises provisions governing motor carriers.  
(BDR 58-651)

ASSEMBLYMAN OZZIE FUMO (Assembly District No. 21):

Presenting with me today are Alison Brasier and Ben Cloward who helped me with this law. Assembly Bill 234 is narrowly tailored, good public policy to protect the most vulnerable members of our community. In my district, I had a gentleman who was my age, Harvey Chernikoff, who was intellectually disabled and rode a paratransit bus to work and back every day. One day while on a bus, he choked on a sandwich. Unfortunately, the driver was not trained in cardiopulmonary resuscitation (CPR) and did not know what to do and Harvey expired.

What this bill does is require paratransit companies that contract with businesses to ensure their drivers are trained in CPR and have first aid kits on the buses. Unfortunately for Harvey, the bus driver was not trained and did not know what to do. The paratransit company that contracts with the Regional Transportation Commission (RTC) also does this same business in other states. In every other state where the company contracts, it has its drivers trained in CPR and first aid kits are on the buses. The only reason that it did not have a first aid kit on the bus the day Harvey passed was because Nevada does not require it.

Briefly, to go through the bill, what it would do is require each bus to have a first aid kit and each driver to be trained in first aid. The cost of the training is \$88 and qualifies the driver for 3 years. For less than \$30 a year, we could train these drivers and the training could be easily implemented into the contract. It makes it a misdemeanor violation to violate the terms of the contract. This bill would only pertain to common motor carriers that do paratransit for disabled people. Transportation network companies and taxis are specifically carved out of A.B. 234. With the proposed amendment, it would take effect January 2020, which would give the RTC the ability to renew its contract and have that in effect when the new contracts are finalized.

ALISON BRASIER (Nevada Justice Association):

The purpose of A.B. 234 is to save lives. It is to protect the most vulnerable members of our State by requiring first aid and CPR training for paratransit bus drivers. It also provides paratransit bus drivers with the skills and knowledge to respond in an emergency. I had the privilege of being part of the trial team to represent the Chernikoffs in their fight to find justice for Harvey. As we were waiting for the verdict to come back, Elaine Chernikoff, Harvey's mother said to me, "It does not matter what happens at the trial, but we need to pass a law so

that no one else has to die on a paratransit bus." That is what we are trying to do here today with A.B. 234.

BEN CLOWARD (Harvey's Law, Nevada Justice Association):

As Ms. Brasier indicated, the purpose for this bill is to protect those members of our society who need assistance and need our help. Harvey did not have a voice the day that he passed on the bus and this is an attempt to give him a voice. As Assemblyman Fumo indicated, the company that provided these services through the paratransit, the RTC contract, is actually a global company. It is in 269 other markets, other cities, other countries. It has this training in its policies and procedures and in the employee handbooks. However, in this instance, pages 68, 69 and 70 that contained this training, were actually removed from the employee handbook and the employees were instructed that they did not need to know that training because Nevada State law did not require it. It is an attempt to make sure that we have the requirement so that the training that is provided in every other of the 269 markets is provided to the citizenry of this great State.

SENATOR HAMMOND:

The bus driver was there on the bus while this man was choking, what did the bus driver do?

MR. CLOWARD:

The bus driver's name was Jay Farrales. Mr. Farrales was a very caring bus driver who cared about the occupants of his bus. It was apparent through his testimony that he wanted to do something, he just did not know what to do. There is a video of the event, and it shows very clearly, he did nothing. He did not have the basic skills to identify the situation. He put his hand on Harvey's shoulder and said, "Harvey" repeatedly. He did not even know to assess whether Harvey was choking, he did not know how to assess his airway. He panicked because he did not have the basic knowledge of identifying something like this. The dual tragedy is that the training was contained on page 70 of the training manual that the drivers were instructed that they could disregard.

SENATOR HAMMOND:

This driver wanted to help but did not know how, or was not instructed. You want make sure this does not happen again. That is what this bill will take care of; they will have the instruction.



MR. CLOWARD:

Mr. Farrales actually testified at the time of trial that he would have done anything to save Harvey and wished he had been provided the training.

CHAIR MANENDO:

Were there other passengers on the bus when this happened?

MR. CLOWARD:

At the time when Harvey began to choke, he began as the bus stopped, as the bus driver Mr. Farrales escorted the other passenger off the bus. By the time the bus driver got back on the bus, Harvey was slumped completely over into the aisle and he was in the first seat, three feet away from the driver's seat, and unfortunately the driver, due to being in a hurry, simply did not look left to see Harvey slumped over into the aisle. He got back into his driver's seat and drove off. It was a few minutes later that he finally identified him, but at the time, Harvey was the sole remaining passenger on the bus.

SENATOR HAMMOND:

I just want to make sure we are clear. It says on the bill that it contains an unfunded mandate, but the reality is it is not an unfunded mandate on the local government. This goes back on the company that we give a contract to; they have to make sure they train their employees. It is not an unfunded mandate on the local government or the State. Am I correct in that statement?

MR. CLOWARD:

Yes, I believe that is correct. My understanding is that the contract was initially with Laidlaw Transit who was then purchased by First Transit, and was approximately a \$230 million contract. When we subpoenaed documents during the course of litigation from the RTC, the training was actually in the manuals, the policies and the procedures that were provided from First Transit to the RTC. It is my understanding that when First Transit would provide these services, they indicated in part of the negotiations that this training would be provided, and once the contract was awarded it is possible that the training was removed because it was not required by the law. Ultimately, the RTC would pay the companies like First Transit, Veolia Transport or Keolis Transit America, Inc., those companies to provide that service.

ELAINE CHERNIKOFF (Harvey's Law):

I am here in support of A.B. 234. I will now read from my written testimony ([Exhibit E](#)).

CHAIR MANENDO:

Thank you for sharing your story with this Committee. We do hear from our constituents. For those who think we do not pay attention, we really do and this is a prime example of the Legislators doing their jobs.

NEIL CHERNIKOFF (Harvey's Law):

I am here in support of A.B. 234. I will read from my written testimony ([Exhibit F](#)).

CHAIR MANENDO:

It is certainly important to know CPR or at least have read about how to do it. There are many times where something happens and people do not contact their elected officials. They do not do anything about it. Thank you for using that process.

FRAN ALMARAZ (Teamsters Local No. 986 and Teamsters Local No. 631):

I am here representing the Teamsters who drive these paratransit buses and we are in favor of A.B. 234 and the training.

DAVID CLYDE (Regional Transportation Commission of Southern Nevada):

The Regional Transportation Commission of Southern Nevada does have a proposed amendment, which Assemblyman Fumo discussed, and I will briefly cover it ([Exhibit G](#)).

There are only two primary changes that the RTC is proposing. The first would be to change the effective date to January 1, 2020. This will ensure these requirements are incorporated in our next contract but also to be sure that there are no issues with our current contract or any issues with incorporating it there. The second change is to add a section which further clarifies the intent of the bill. It states that provisions of this section do not apply to taxicabs, motor carriers or transportation network companies (TNC) that undertake the transportation described in section 1, subsection 1, under a contract with an entity required by Title 49 CFR, section 37.121 that provides such transportation. That just clarifies the RTC is currently participating in a pilot program with TNCs and taxicabs to provide paratransit services. We want to be

sure that they are excluded from this requirement. Our regular contracted services would be required to provide the training and first aid service. It was clarified in the hearing on the Assembly side. This would not create a duty to act for the drivers but would be sure they were appropriately trained. Therefore, the RTC is in support of this important way to provide an additional service to our vulnerable customers. We think this will provide very valuable training to our contracted drivers for our customers.

CHAIR MANENDO:

The effective date has been changed to January 1, 2020; that is when everybody will have that training. When are you actually starting the training?

MR. CLYDE:

Right now, our contract does not currently require it, so we would work with our contractor to be sure it is put in place. We only have one contract, so when we renegotiate the contract and put it out for a request for proposal in 2019, we will be sure training is included.

CHAIR MANENDO:

We will close the hearing on A.B. 234.

I know that Assemblyman Ellison was here. He came into the room and I thought he was here for A.B. 234 but apparently, he was here for A.B. 334, which we moved from the agenda to accommodate A.B. 485 today. So A.B. 334 will be heard on Thursday. We did notify his office. I always want to make sure when a member comes in, we try to accommodate them.

We are going to turn to the work session on A.B. 96.

**ASSEMBLY BILL 96 (1st Reprint)**: Revises provisions governing motor carriers.  
(BDR 58-118)

MICHELLE VAN GEEL (Policy Analyst):

Assembly Bill 96 was heard in Committee last week. It expands the exemption from full regulation by the Nevada Transportation Authority that is currently available to an owner or operator of a motor vehicle which is used by certain resort hotels to transport passengers or property to include an affiliate of the owner or operator. The bill also requires any such affiliate of the owner or operator to inspect the motor vehicle regularly, maintain a record of the

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inspections for at least three years, and make the records available for inspection or audit by the Nevada Transportation Authority. There were no amendments for this measure with the work session document ([Exhibit H](#)).

SENATOR ATKINSON MOVED TO DO PASS A.B. 96.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

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CHAIR MANENDO:

There being no further business to come before the Committee, the meeting is adjourned at 10:08 a.m.

RESPECTFULLY SUBMITTED:

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Debbie Shope,  
Committee Secretary

APPROVED BY:

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Senator Mark A. Manendo, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	4		Attendance Roster
A.B. 335	C	4	Linda VanVranken	Proposed Amendment
A.B. 485	D	1	Darcy Johnson	Proposed Amendment
A.B. 234	E	1	Elaine Chernikoff	Testimony
A.B. 234	F	1	Neil Chernikoff	Testimony
A.B. 234	G	1	David Clyde / Regional Transportation Commission of Southern Nevada	Proposed Amendment
A.B. 96	H	1	Michelle Van Geel	Work Session Document