

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-ninth Session
May 18, 2017**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 9:09 a.m. on Thursday, May 18, 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

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Jonathan Leleu, Insomniac, Inc.
Roy Baughman, Lieutenant, Nevada Highway Patrol, Department of Public Safety
Jude Hurin, Administrator, Division of Management Services and Programs, Department of Motor Vehicles
Mike Alonso, Caesars Entertainment
John Griffin, MGM Resorts International
Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers
John O'Rourke, Lieutenant Colonel, Assistant Chief, Nevada Highway Patrol, Department of Public Safety

CHAIR MANENDO:

We are going to begin with our work sessions.

MICHELLE VAN GEEL (Policy Analyst):

The first bill in the work session this morning is Assembly Bill (A.B.) 233. I will read from the work session document ([Exhibit C](#)). It was heard on May 2, and was sponsored by Assemblyman Paul Anderson. It authorizes a lessor of a motortruck to impose additional charges to recover any costs incurred by the lessor in conducting his or her business. Any such charges must be disclosed at the time the lessor provides a price quote or estimate for the lease of the motortruck. There were no amendments to this bill.

ASSEMBLY BILL 233: Authorizes a lessor of a motortruck to impose certain additional charges. (BDR 43-52)

SENATOR HAMMOND MOVED TO DO PASS A.B. 233.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. VAN GEEL:

The next bill is A.B. 261. I will read from the work session document ([Exhibit D](#)). It was heard in Committee on April 27, and was sponsored by the Assembly Committee on Transportation. It revises provisions governing the issuance of an instruction permit for operating a motorcycle to make them similar to provisions governing the issuance of an instruction permit for operating a motor vehicle, with certain exceptions. The bill provides that the permit holder may not carry a passenger or drive after dark, and it provides that the required 50 hours of driving experience before a license may be issued does not have to be supervised. There were no amendments to this bill.

ASSEMBLY BILL 261 (1st Reprint): Revises provisions governing motorcycle drivers' licenses and instruction permits. (BDR 43-837)

SENATOR GUSTAVSON MOVED TO DO PASS A.B. 261.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. VAN GEEL:

The next bill is A.B. 334. I will read from the work session document ([Exhibit E](#)). It was heard in Committee on May 11 and sponsored by Assemblymen Ellison and Edwards. The bill, with certain exceptions, prohibits a driver on a controlled-access highway with two or more lanes for traffic traveling in the same direction to continue operating a motor vehicle in the extreme left lane if the driver is traveling below the posted speed limit and is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. There were no amendments for the bill.

ASSEMBLY BILL 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)

SENATOR HAMMOND MOVED TO DO PASS A.B. 334.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. VAN GEEL:

The next bill in work session is A.B. 364. I will read from the work session document ([Exhibit F](#)). It was heard in Committee on May 4 and sponsored by Assembly Members Ohrenschall, Carrillo, Carlton, and Senators Manendo and Parks. The bill directs Nevada's Department of Transportation, in cooperation with Clark County, the City of Las Vegas, the City of Henderson, and the Regional Transportation Commission of Southern Nevada, to conduct an interim study concerning traffic and safety on the roads, highways, and freeways in the urban eastern part of Clark County. The bill also requires the Department to

submit a report of the findings to the Legislature and the Office of the Governor. There were no amendments for the measure.

ASSEMBLY BILL 364 (1st Reprint): Directs the Department of Transportation, in cooperation with Clark County, the City of Las Vegas, the City of Henderson and the Regional Transportation Commission of Southern Nevada to conduct an interim study concerning roadway traffic and safety. (BDR S-1115)

SENATOR HAMMOND:

I will vote yes for this. I am concerned that once we have one of these bills adopted, next time there might be 60. I want to put this on the radar for people and hope this does not become the standard. We received testimony from the Department of Transportation that whenever requests come in, they try to prioritize them so they can get these projects completed. It is especially important for Legislators who are trying to figure out what is going on in their districts. I do see the need in this one area because there has been such a lack. For that reason, I have no problem putting this forth today.

CHAIR MANENDO:

It is definitely a unique situation; there are so many residents who live in that area and so few access points to the freeway.

SENATOR GUSTAVSON:

I share the same concerns as Senator Hammond. I do not want to see this become something each Legislator will do to pass a bill for his district for whatever reason. I will be supporting this bill.

SENATOR ATKINSON MOVED TO DO PASS A.B. 364.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. VAN GEEL:

The next bill is A.B. 410. I will read from the work session document ([Exhibit G](#)). It was sponsored by Assemblywoman Bustamante Adams and heard

on May 11. The bill authorizes a new vehicles dealer that is franchised to sell vehicles of the manufacturer to apply to the manufacturer for compensation for each month that the dealer possesses a used vehicle that is subject to a stop-sale order or do-not-drive order. The bill requires the new vehicle dealer to file a claim for compensation with the manufacturer, and it provides that compensation must be calculated at a rate of not less than 1 percent of the value of the used vehicle for each month the used vehicle is in the inventory of the dealer and subject to the order.

There is one amendment attached that was offered by Alfredo Alonso, representing the Alliance of Automobile Manufacturers. The amendment adds language to the definition of a "do-not-drive order" to ensure a vehicle owner is also advised not to drive a vehicle for which such an order was issued.

ASSEMBLY BILL 410 (1st Reprint): Authorizing a new vehicle dealer to file a claim for compensation with a manufacturer of motor vehicles under certain circumstances. (BDR 43-1024)

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 410.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. VAN GEEL:

The final bill in the work session is A.B. 485. I will read from the work session document ([Exhibit H](#)). It was heard in Committee on May 9 and was sponsored by the Assembly Committee on Transportation. It requires that certain new school buses be equipped with federally approved shoulder harness-type safety belts for each permanent seating position for passengers. The bill transfers from the Department of Motor Vehicles to the Department of Public Safety the requirement to semiannually inspect school buses. Lastly, with certain exceptions, the bill revises the definition of "school bus" to more closely align with the definition in the Federal Motor Carrier Safety Regulations.

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

There are two proposed amendments attached to the work session. The first one is offered by the Legislative Counsel Bureau. It is a minor change to reference "English learner" rather than "limited English proficient," to avoid a conflict during the codification process of this definition in *Nevada Revised Statutes* (NRS) 385.007.

The second attached amendment was offered by Jonathan Leleu and incorporates the provisions of Senate Bill (S.B.) 164 from this Session, which allows a school district to enter into written agreements to lease school buses or vehicles for special events taking place within the school district that are not part of any school program as long as the agreements do not interfere with or prevent the regular transport of a district's students. The amendment also includes a further change to the language in S.B. 164 that revises the distribution of proceeds of the leases discussed in the bill and prohibits use of proceeds for purposes of salaries or benefits.

SENATE BILL 164: Authorizes a school district to lease school buses or vehicles belonging to the school district in certain circumstances. (BDR 34-668)

JONATHAN LELEU (Insomniac, Inc.):

The amendment is an exact reflection of S.B. 164 which is currently making its way through the Assembly. The intent, which was voted on unanimously by Floor Session, was to allow the school districts to derive funds from the lease of its assets. The amendment is simply a block and copy of the bill along with all amendments, which have been adopted into S.B. 164. There have been two amendments; one was proposed by the Nevada Justice Association, and it dealt with statutory immunity. The Nevada Justice Association's issue was they wanted to ensure the statutory immunity that would normally apply to a governmental entity or a school district, would not apply to a lessee of the buses under a lease contract. That was considered a friendly amendment and was adopted and is incorporated in this amendment.

The original language required the use of proceeds from the lease agreements for maintenance or bus purchases. The problem we saw with A.B. 485, in conversations with Assemblyman Carrillo, was that the bill effectively had a funding gap. Assembly Bill 485 proposes to have seat belts included as part of

new bus purchases; however, there is no way to pay for them. We have a bill that might pay for at least part of this if the lease proceeds were sufficient. What we did was amend S.B. 164, and the amended language is included here in subparagraph 4. Instead of limiting the use of proceeds for maintenance or purchase of school buses, it gives the school district discretion to use that money as it sees fit, with two exceptions. One, it cannot be used for salaries; and two, it cannot be used for benefits. We thought this would open up the possibility of using the proceeds from the lease of the buses for seat belts on those same buses. We thought that was a good fix.

We have had some conversations with the Department of Public Safety this morning; they had a couple of questions and concerns. I am sure they will speak to those. We believe those concerns can be dealt with in regulation. However, at this point, we think this is a good amendment. The bill is moving through the process. This was a bill the Senate Body voted for unanimously.

CHAIR MANENDO:

Approximately how much money are we estimating would be raised? It is not millions of dollars, correct?

MR. LELEU:

I do not have the answer. With S.B. 164, and the beauty of this amendment, it is entirely enabling. If the school district does not want to lease its buses, it does not have to. If they want to lease their buses, they can, but only a certain percentage. An amendment was requested by Senator Becky Harris; she wanted a limit on the number of school buses that were allowed to be leased at any one time because school buses, as we all know, are for the transportation of children. Buses are there for that reason. They are not for leasing for other purposes. If we can derive money from ancillary leases, we will.

There is a cap of 8.5 percent of the fleet at any one time in the aggregate. That number was given to us by the Clark County School District after studying what their rolling stock was and what they thought their availability was. The short answer to your question is, it really depends on how much or how many leases the school district decides to enter into, and what the pricing terms of those leases are. The amendment and the bill do not have pricing terms in them. Those are the terms the school district is left to decide on its own.

CHAIR MANENDO:

Do you know how they came up with 8.5 percent?

MR. LELEU:

My understanding is they looked at their rolling stock, what their normal maintenance schedule was, and determined that 8.5 percent was the proper number.

CHAIR MANENDO:

Back in the 1990s, we had a piece of legislation we modeled after Colorado Springs, Colorado where they entered into a public/private partnership to put advertisements on a small part of the outside of buses. I remember one advertisement, "Go for your dreams, stay in school. Buick GMC." They incorporated the arts departments of the schools to create the advertisements and worked with the advertising agencies on these projects. The school district had experienced a shortfall and they were trying to find creative ways to raise some money. It took two sessions to get it passed. Apparently, the school districts have not moved in that direction, but they can. They certainly can use that money for school bus safety belts. This would be another vehicle they could use if they so choose. It was not mandatory, it was enabling. We will have Roy Baughman from the Nevada Highway Patrol come up to testify. I am trying to figure out how this plays out with drivers falling into the federal regulations. Would the qualifications for drivers be the same as a regular driver's license?

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

When a school bus driver is driving a school bus, they are exempt from all the federal regulations for medical cards, driver qualifications, drug testing and hours of service. The minute they transition into a commercial driver, they have to be employed by the company that is hiring them to haul the paying passengers or nonpaying passengers. They have to have a driver's application in the file of the company; they have to have a clean driving print-out in the file of the company that is hiring them. They are subject to a drug consortium where they are subject to random drug testing. This is just for the driver's license portion. They have to follow the rules for hours of service once they go into commercial operations. All the hours they have logged while driving a school bus, technically, do not count while they are driving a school bus but do count while driving a commercial operation bus. They fall into the federal regulations

for all of the requirements of a passenger transportation driver at the point they become paid other than as a school bus driver.

CHAIR MANENDO:

Is that something that can be done in regulations as far as the drivers? I want to be sure that we are not doing something that we should not be doing.

MR. LELEU:

The situation as described by Nevada Highway Patrol (NHP) is entirely accurate. The issue is the driver and how this language plays out with relation to the driver. At the time that the lease was entered into and effectuated, the school bus drivers would be given first preference or first right of refusal on accepting those hours. If they were to accept those hours, they would then be required to fulfill the commercial driver requirements that exist in law. It is really on the driver to go and obtain the tests and get the certifications that they need to be able to operate that bus.

SENATOR GUSTAVSON:

I have read the whole amendment; it is the same as S.B. 164. There is nothing there that states they would be mandated to have those requirements for a commercial driver's license. Do you want to put language stating that they would be required to meet all federal requirements?

MR. LELEU:

The reason it is not there is that it is already in the law. The reality of the situation is it is federal law, so they have to comply with it as it stands.

SENATOR GUSTAVSON:

I understand, I just want to protect the school districts.

MR. LELEU:

Absolutely, we want to make sure that the school districts are 100 percent protected as well as the drivers.

CHAIR MANENDO:

I will entertain a motion to amend and do pass A.B. 485 with both amendments.

SENATOR FARLEY MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 485.

SENATOR HAMMOND SECONDED THE MOTION.

SENATOR GUSTAVSON:

I am going to vote yes and support the bill now, but reserve my right to change my vote on the Floor. I still have some concerns about the original bill. With the seat belts, we have had a lot of problems with kids playing with them, not fastening them properly, the time it would take the driver to check at every stop to ensure the children are putting them on, having the child sitting on them, or never really wearing the seat belt. These are my concerns.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR MANENDO:

We will now open the hearing on A.B. 68.

ASSEMBLY BILL 68 (1st Reprint): Revises provisions governing the administration of laws relating to transportation. (BDR 43-223)

JUDE HURIN (Administrator, Division of Management Services and Programs, Department of Motor Vehicles):

I am here representing the Department of Motor Vehicles (DMV) regarding cleanup bill, A.B. 68. I will now read from my written testimony ([Exhibit I](#)).

SENATOR GUSTAVSON:

You stated there is technology that shows black and white photographs are better than color photographs. Generally, looking at a color photograph, it shows more detail and clarity. I have some concerns about it, but I will need to see this new technology. This is to enable you to use black and white photographs; you are not doing away with the color photograph at this time.

MR. HURIN:

I agree. At first thought, the color photographs would appear to be the best quality. We have had vendors come to the DMV and display the newest cards out there. These companies are vendors that create all different types of

credentials. The quality for a black and white, or a noncolored photograph, is amazingly clear and, in some respects, actually better than a color photograph in regards to visually looking at the card, and with facial recognition. We want enabling language in this bill so if we do decide to go with a vendor that provides black and white photographs, it would be the best card that we could offer for security reasons and for accuracy as well.

SENATOR GUSTAVSON:

Have they quoted you a price difference between the color and the black and white photographs?

MR. HURIN:

Not at this time. The DMV will be doing the request for proposal in the next few months because our contract is expiring with our existing vendor. The Department has been meeting with vendors at a high level. There is a variety of prices at this point. Nothing is concrete.

CHAIR MANENDO:

Where did the term "touchdown structures" come from?

MIKE ALONSO (Caesars Entertainment):

Caesars Entertainment is responsible for section 15.3 through section 15.7 of A.B. 68. I do not know where the term "touchdown structures" comes from, but apparently it is a transportation term for when pedestrians are coming off a bridge. If you think about the pedestrian bridges on the Las Vegas Strip, the structures come down, in all cases, by an escalator and an elevator. In this case, we have narrowly defined the "touchdown structure" so it does not include the escalator, it only includes the elevator. We are in support of the bill, especially section 15.3 through section 15.7.

CHAIR MANENDO:

Are there people out there right now currently interested in advertising?

MR. ALONSO:

Yes, Caesars Entertainment and, I believe, MGM Resorts International are interested in advertising. There are 12 touchdown structures between the two locations and there are additional structures, four approximately, in Clark County. This is a result of negotiations between the properties, Clark County and the sheriff's office over a long period of time. In statute, there is

authorization for advertising on the monorail stations as well as bus stations and bus shelters. This would add the touchdown structures to those, with restrictions. It is essentially enabling. The public authority authorizes it. The advertising can only be placed and maintained by whoever owns the real property adjacent to the touchdown structure and who has either dedicated the touchdown structure with the public authority, granted a fee, or a perpetual easement. The final portion is they have to enter into a written agreement with the public authority on terms and conditions that are acceptable.

I have had some questions from Senators on this bill regarding what the advertisements would look like. We have had discussions with the sheriff and the County, regarding obvious safety issues. It is my understanding that any written agreement would require cameras to be installed in the elevator area for safety and the advertising would have to be done in such a way that you could see through it. What I think they are envisioning is some kind of a wrap that would advertise a show or whatever it may be, it would be see-through. The installation of cameras inside the touchdown structure would also provide for public safety.

CHAIR MANENDO:

What is the reasoning behind the advertising being only for the business who owns the real property or the company who owns the property adjacent to the touchdown structure? If Walgreens wanted to advertise and they are a mile down The Strip, could they not do that?

MR. ALONSO:

That is correct. In all these cases, the properties that would be able to benefit from this would be those who built the bridges, built those structures, and either granted a fee, a perpetual easement or dedicated them to the County. They are the interested parties, and we would try to make sure it is not a "free-for-all." Those parties have the adjacency, and in addition to that, made the investment in those bridges and structures in the first place. Then they dedicated them to the County or provided that perpetual easement.

CHAIR MANENDO:

There were no public dollars in the construction of those bridges?

MR. ALONSO:

That is my understanding.

CHAIR MANENDO:

Are there benches as well in that area?

MR. ALONSO:

The benches are not a part of what we are proposing; that is existing law. We are amending the bill to add the touchdown structures to the monorail stations and to the benches that already exist.

JOHN GRIFFIN (MGM Resorts International):

I would not belabor the point; Mr. Alonso handled the questions and the issue very well. The MGM Resorts International is in support of the bill.

CHAIR MANENDO:

Is there anyone here who can answer the question about the bridges being paid for strictly by private entities rather than public entities? We will look at that issue as well. I seem to remember some articles that there was a cost, but that was a long time ago.

MR. GRIFFIN:

We will be happy to look into how the structures that are adjacent to our properties came into existence. I believe all of them were built and paid for by MGM Resorts International, but will look into it and get back to you.

MR. ALONSO:

For clarification, the restrictions would limit it to the businesses who are referred to in sections 15.3 through 15.7. Those would have had to have been dedicated, provided by a fee, or through a reciprocal easement. The only businesses that can do that are the businesses who actually paid for those improvements, or paid for and own that land. That is why it is narrowly drafted.

RICHARD P. MCCANN (Executive Director, Nevada Association of Public Safety Officers):

The Nevada Association of Public Safety Officers did provide the conceptual amendment ([Exhibit J](#)). This was a request by NHP. To my right is Lieutenant Colonel John O'Rourke from NHP who will propose the amended language for you.

JOHN O'ROURKE, Lieutenant Colonel (Assistant Chief, Nevada Highway Patrol, Department of Public Safety):

The reason I am here today is to talk about current Nevada law and changes we would like to see made regarding citations issued in misdemeanor violations. What we would like to see changed is when an officer in the State issues a misdemeanor citation, they be allowed to issue the citation without receiving a written promise to appear. This means we would no longer require a signature. There are several states that have already gone to a similar situation, and we believe that it is beneficial in many ways.

One reason for this change is we had an officer in our rural district last year who got in an altercation with a driver simply because he/she would not sign the citation. Three people in that vehicle accosted our officer. If it were not for a Good Samaritan passing by, I am not sure what would have happened to our officer. He was hurt in the fight. Another reason is, it is not feasible any longer to take someone to jail and waste taxpayer resources on booking someone into the county jail on a simple misdemeanor violation. It takes our officers off the road. What we would like to see is our officer issue the citation, and the person would be served at the moment the citation is issued.

SENATOR GUSTAVSON:

Could the people receiving the citation—if they are not signing it—say later that they never received it and that they were not driving the vehicle? I know you will get their driver's licenses and get all the information from that. There could be a problem when they go to court to fight the citation; they could say someone had their wallet.

MR. O'ROURKE:

When our troopers show up to court, they are required to identify the person they issued the citation to during the court process. Our body-worn cameras and our in-car video systems make it a lot easier for our troopers. We also have a Brazos system that allows us to take pictures of drivers' licenses. We have many troopers who use it regularly on traffic stops; they can take a picture of the driver's license. Later, they are able to testify who, in fact, was driving the vehicle.

CHAIR MANENDO:

You referred to that as a Brazos system?

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MR. O'ROURKE:

Yes, our system or vendor for writing citations is Brazos, and almost all law enforcement in the State is utilizing Brazos at this time.

CHAIR MANENDO:

Is it handheld, or is it on the dash? How does it take the picture?

MR. O'ROURKE:

We have the Mobil Data Computer (MDC) program; Brazos is on our MDCs. It comes up on our computer screen. We walk up to the vehicle with our Brazos to issue a citation; the signature has to be written on the tablet itself; and the picture is taken with that same device.

DARCY JOHNSON (Counsel):

I want the Committee to be aware that I talked to Mr. McCann. There is one additional section that will be amended in the same way, but it appears in *Nevada Revised Statutes* (NRS) 62C which is in the juvenile justice chapter. You may be aware, criminal procedures for juveniles is slightly different; they use different terms. Instead of conviction, they use the term adjudication. There is a traffic ticket section in NRS 62C that has the same provisions regarding whether the driver signs the ticket or not. We are going to be amending that as well. I did not want you to be alarmed when you saw another NRS in the bill.

SENATOR GUSTAVSON:

I was about to ask if this was germane to the bill for NRS 483A. Is this close enough to the same category as the original amendment?

MS. JOHNSON:

The Legislative Counsel made the call that it is germane. This is a catchall bill, it already has "soup-to-nuts" so adding this in was not much of a stretch.

CHAIR MANENDO:

We will close the hearing on A.B. 68.

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 68.

SENATOR FARLEY SECONDED THE MOTION.

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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 10.00 a.m.

RESPECTFULLY SUBMITTED:

Debbie Shope,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	3		Attendance Roster
A.B. 233	C	1	Michelle Van Geel	Work Session Document
A.B. 261	D	1	Michelle Van Geel	Work Session Document
A.B. 334	E	1	Michelle Van Geel	Work Session Document
A.B. 364	F	1	Michelle Van Geel	Work Session Document
A.B. 410	G	2	Michelle Van Geel	Work Session Document
A.B. 485	H	5	Michelle Van Geel	Work Session Document
A.B. 68	I	2	Jude Hurin / Department of Motor Vehicles	Testimony
A.B. 68	J	2	Nevada Association of Public Safety Officers	Conceptual Amendment