

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-ninth Session  
April 4, 2017**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 8:12 a.m. on Tuesday, April 4, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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  
Tammy Lubich, Committee Secretary

**OTHERS PRESENT:**

Brian McAnallen, City of Las Vegas  
Helen Mortenson, President, Ice Age Park Foundation  
Stephen Rowland, Geology Professor, University of Nevada, Las Vegas  
J. Pat Gallagher, Nevada Traffic Incident Management Coalition  
Brian O'Callaghan, Las Vegas Metropolitan Police Department  
John Fudenberg, Clark County  
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Corey Solferino, Sergeant, Washoe County Sheriff's Office  
Jose Norena, Operations Manager, Big Valley Towing  
Richard Brenner, Clark County Fire Department  
Reid G. Kaiser, P.E., Assistant Director, Operations, Department of  
Transportation

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Sean Sever, Director of Communications, Department of Transportation  
Scott Scherer, Regional Transportation Commission of Washoe County  
Jonathan P. Leleu, National Association of Industrial and Office Properties of  
Southern Nevada  
Paul J. Moradkhan, Las Vegas Metro Chamber of Commerce  
Mike Cathcart, Business Operations Manager, City of Henderson  
Patrick Smith, National Enterprise Development Coalition  
Anthony Ruiz, Las Vegas Global Economic Alliance  
Gary Milliken, Nevada Contractors Association  
Thomas Morley, Laborers Local 872; AFL-CIO  
Lee Gibson, Executive Director, Regional Transportation Commission of  
Washoe County  
Britta Kuhn, Broadband Manager, Office of Science, Innovation and Technology,  
Office of the Governor

CHAIR MANENDO:

We will begin with Senate Bill (S.B.) 428.

**SENATE BILL 428**: Provides for the issuance of special license plates indicating support for the Tule Springs Fossil Beds National Monument. (BDR 43-1015)

BRIAN MCANALLEN (City of Las Vegas):

Senate Bill 428 requires one change, based on feedback from the National Park Service. Under section 1, lines 4 and 5, the name Tule Springs Fossil Beds National Monument Advisory Council needs to be replaced with another entity. There are a couple of different entities which are designed to accept donations on behalf of the National Monument and/or the Ice Age State Park, which is nestled within the National Monument. The Advisory Committee mentioned in the bill is a Secretary of the Interior advisory committee only to the Park's Superintendent and the Secretary of Interior. It is organized only in an advisory capacity to provide input on the plan for the rollout of the National Monument and is the wrong entity to be involved.

For the record, the Tule Springs Fossil Beds National Monument was created in 2014 through the National Defense Authorization Act that had a number of major public land bills. This was congressionally designated as the first monument in southern Nevada.

Former Assemblyman Harry Mortenson and his wife Helen Mortenson worked tirelessly to build a State park to protect the ice age fossils that are in the Upper Las Vegas Valley wash and is one of the largest collections of ice age fossils in the United States of America.

The first dig was in 1933 with a series of other digs occurring in the 1960s, which discovered the massive fossil collections. Senate Bill 428 is designed to provide support opportunities for the license plate for the National Monument. The National Monument has only been in operation for a couple of years and is looking for any support to maintain it and provide an opportunity for students. There is a high school across from the monument that has an archeology program and the archeology departments at the University of Nevada, Las Vegas (UNLV) have done a great job in preserving and managing the fossils.

Helen Mortenson and Jill DeStefano, who lead the Protectors of Tule Springs, have dedicated their lives to the preservation of the fossils and the National Monument. This would be a great opportunity to put a license on equal par with Red Rock and Lake Tahoe license plates for the preservation of this national asset.

HELEN MORTENSON (President, Ice Age Park Foundation):

This license plate is a very important step for fund raising and for the recognition of the Tule Springs National Monument throughout the community, the State and the world.

In 2008, as a result of a Legislative action, the Ice Age Park Foundation was formed to develop a concept for the area of 315 acres and to move forward with fund raising to support this area.

I have a package for each Committee member, which includes a map of Tule Springs showing the 315 acres of State land is within the 1,000 acres of the National Register. This is also surrounded by the National Park Service of the new Fossil Bed Monument.

Across the street is Shadow Ridge High School whose students are involved in paleontological endeavors under the direction of Dr. Stephen Rowland of the geology department. The Ice Age Park Board just met with Len Jessup, the President of UNLV and Diane Chase, the Provost, to cement relationships and create a Tier 1 university for research.

Also in your packet is a 2009 picture of Air Force Colonel Dave Belote of Nellis Air Force Base. The Nellis Air Force Base has joined in the endeavor by saying this is a security corridor from Nellis Air Force Base to Creech Air Force Base. This is a very important leg and resulted in the National Monument.

Governor Sandoval also announced on January 24 that Tule Springs would be a State park and gave Tule Springs State Park funding in the amount of \$1 million to build a presence there. The Ice Age Park Foundation Board has been working very hard with Eric Johnson, Administrator of the Division of State Parks. Mr. Johnson came down and gave an outline of what is in store for the future. Also, Governor Brian Sandoval added \$300,000 to have an operations and management staff included.

The Legislature appointed the Ice Age Park Foundation as a nonprofit foundation to provide funding to channel money to the State Park and, in partnership with the new National Monument, there is to be a seamless position between State Parks and the National Park Service. They do not want any boundaries; they want it to be mutually accessible.

STEPHEN ROWLAND (Geology Professor, University of Nevada, Las Vegas):  
I am one of the paleontologists who has been working in the Tule Springs region on both the new National Monument land as well as State Park lands. I am also a board member of the Ice Age Park Foundation.

The Ice Age Park Foundation would be an appropriate IRS Code 501(c) (3) organization to be the channel of the funding from such a license plate.

CHAIR MANENDO:  
We will close the hearing on S.B. 428.

VICE CHAIR ATKINSON:  
We will open the hearing on S.B. 312.

**SENATE BILL 312**: Revises provisions relating to driving under certain conditions. (BDR 43-94)

SENATOR MARK A. MANENDO (Senatorial District No. 21):  
Senate Bill 312 is a result of having an opportunity to work with first responders in northern and southern Nevada to improve safety through the Legislature to

ensure that our first responders go home to their families each night. The Nevada Traffic Incident Management (TIM) bill introduces minor changes to existing laws. It supports safe and quick clearance of roadway crashes, cleans up language to include protection for incident responders who work for authorized municipalities and provides legal authority for protection from liability for removal of overturned trucks and cargo from the travel lanes. Virtually all the changes focus on National Best Practices for improving the chances of reducing secondary crashes.

The statistics of crashes are staggering and the ability to improve these numbers is within our authority. The National Best Practices study shows that every minute a crash remains on the roadways, the chance for a secondary crash increases by 2.8 percent. Every minute the road is blocked, it takes four minutes to clear and ten minutes on the road would take 40 minutes to clear. An average of 22 percent of all crashes is secondary or the result of the first crash not being cleared. Eighteen percent of secondary crashes are fatalities. This proposed legislation makes minor changes to TIM, but it will yield a major impact to help prevent secondary crashes.

J. PAT GALLAGHER (Nevada Traffic Incident Management Coalition):  
I will read from my written testimony ([Exhibit C](#)).

SENATOR GUSTAVSON:

Senator Manendo, you mentioned a lot of statistics. Are the statistics from Nevada or are they federal?

SENATOR MANENDO:

They are national, federal statistics.

SENATOR GUSTAVSON:

Mr. Gallagher, on page 6, line 21 of the bill, it states, for vehicles having amber lights or blue lights. Does this include snowplows?

MR. GALLAGHER:

Yes, it does include snowplows.

SENATOR GUSTAVSON:

For the record, if there are three lanes of traffic and a snowplow is moving slow, are you allowed to pass the plow?

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MR. GALLAGHER:

Yes, you are allowed to pass a snowplow. The way the statutes are crafted, you can move past that vehicle at a safe prudent speed and give it a lane.

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

The Las Vegas Metropolitan Police Department supports S.B. 312 with the changes in the amendment ([Exhibit D](#)).

JOHN FUDENBERG (Clark County):

We support S.B. 312. We have been part of the TIM Coalition since its inception. We are particularly concerned about the responders who investigate fatal accidents.

ROBERT ROSHAK (Executive Director, Nevada Sheriffs' and Chiefs' Association):

We support S.B. 312 with the amendments. This will also protect the citizen who is pulled over to change a tire.

COREY SOLFERINO (Sergeant, Washoe County Sheriff's Office):

We are in support of S.B. 312.

JOSE NORENA (Operations Manager, Big Valley Towing):

We are in support of S.B. 312.

RICHARD BRENNER (Clark County Fire Department):

We are in support of S.B. 312 with the amendments.

CHAIR MANENDO:

For the record, I am part of the Coalition.

REID G. KAISER, P.E. (Assistant Director, Operations, Department of Transportation):

I will read my testimony ([Exhibit E](#)).

SENATOR HAMMOND:

How will you be getting the information out to the public?

MR. KAISER:

There will be press releases, and a notice of requirements for the public will be placed on our Website.

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SENATOR HAMMOND:

How many people visit this Website, and is there another source for notifications to the public?

SEAN SEVER (Director of Communications, Department of Transportation):

This would be the next campaign for the Zero Fatalities which is seen by 90 percent of Nevadans.

VICE CHAIR ATKINSON:

Mr. Gallagher, please come back up for questions from our Legal Division.

DARCY JOHNSON (Counsel)

In the second proposed amendment which is page 4, section 2, [Exhibit D](#), you are adding in a term, unified command for traffic incident management. Do we need to define which group, and do they have to be involved?

MR. GALLAGHER:

Yes, we need to have the definition of unified command. In any traffic incident on the roadways, the unified command changes and is dynamic based on the amount of response at the scene of an incident. The definition needs to be included in S.B. 312. The unified command is also defined through the Federal Highway Administration as a best practice for incident management.

MS. JOHNSON:

I want to point out that law enforcement would have to request the removal in coordination with that command. If it is just a brief local incident where the command may or may not be implicated, do we still want to require that they have to be consulted?

MR. GALLAGHER:

The unified command can be something as simple as the trooper on the scene in conjunction with the tow operator and the fire department. It could also be the trooper himself, who would be a one-unified person and they would be in command.

MS. JOHNSON:

We will make the definition broad enough to cover all potential situations.

In [Exhibit D](#), on page 5, subsection 6, the words “cargo” and “property” are being removed from the end of the sentence. This is the portion where the owner of the vehicle, cargo or property has to bear the cost of removal. If the words are removed, and there is unattended property, we will not be able to go after the owner of that property for the cost of removal unless we can find the vehicle involved.

MR. GALLAGHER:

I did not consider that. We should leave the wording in S.B. 312.

MS. JOHNSON:

In section 6, subsection 2, I would like to cross out “of a driver” in the first sentence. The language is used to give the driver a duty, and we want to make sure it is the driver of the vehicle we are talking about. We try to give duties to people and not the vehicle. Do we need to take that phrase out, or can we leave it in?

MR. GALLAGHER:

Please leave it in.

SENATOR MANENDO:

Please walk us through an actual crash on the street and explain what a driver should do.

MR. GALLAGHER:

There are several different types of crashes. Two are never the same. They can be similar, but the dynamics change based on traffic flow, location, amount of vehicles and weather. As an approaching motorist to an incident, the motorist should use due care and common sense giving the first responders space to do their jobs. As a first responder, it is difficult because you are focused on what is happening and mitigating the conditions of the incident. It is incumbent upon the motorist approaching an incident to slow to a reasonable speed, give the responders a lane, plus one, if possible, and pay attention to what is going on. We want to correct the motorist’s behavior so there is not a secondary collision on the roadway. As stated earlier in the statistics, there are a lot of people being run over on the roadways due to motorists not paying attention. As the Transportation Committee, you have dealt a lot with distracted driving due to electronic devices in peoples’ hands while they are operating motor vehicles. This is becoming a larger terror for first responders because the distracted



drivers are not only causing the crashes, but they are getting into secondary collisions due to not paying attention.

In answer to Senator Hammond's question on education, through the TIM Coalition, there are over 900 people involved in locations such as Las Vegas, Reno, Elko, Winnemucca, Ely and Tonopah. Through this Coalition, we work closely with all the first-responder community public information officers. The TIM Coalition utilizes the public information officers to go to the high schools and talk to new drivers and to educate the mining industry on new laws in northeastern Nevada and Elko. We utilized the Department of Motor Vehicles (DMV) monitors that are set up to run the loops for advertisement, new laws and educational information. The new TIM legislation could be put on the board at DMVs for people to see while they wait.

VICE CHAIR ATKINSON:

We will close the hearing on S.B. 312. We will open the hearing on S.B. 517.

**SENATE BILL 517**: Establishes the Nevada Transportation Infrastructure Bank.  
(BDR 35-602)

MR. MCANALLEN:

The Southern Nevada Forum Transportation Infrastructure Committee has spent a year and a half during the Interim working on a number of transportation and infrastructure priorities, and S.B. 517, as amended, is one of the top priority issues. There have been over a dozen meetings monthly with our Chairs, Senator Scott Hammond, Senator Mark Manendo and the Assembly Chairs, Assemblywoman Heidi Swank and Assemblyman Chris Edwards. The Committee had a full bipartisan effort from both Chambers. The meetings consisted of over 30 stakeholders from local and regional governments to the business community represented by chambers of commerce, individual businesses, commercial property representatives and individuals.

The effort on behalf of everyone in southern Nevada was to find every opportunity possible and seek any and all significant transportation bills and issues in the region. There were five items, and S.B. 517 is a key priority measure.

This is a bill to establish the Nevada Transportation Infrastructure Bank for the State and is an opportunity to move us forward and provide opportunities when

the federal government presents itself with significant investment in the transportation infrastructure.

The City of Las Vegas is in support of S.B. 517 as amended.

SENATOR MANENDO:

Through the Southern Nevada Forum, Senator Hammond and I asked the Regional Transportation Commission (RTC) what other innovative tools we could engage to help our transportation needs. The goal was to ensure we were educated on tools and resources that are available outside of the fuel indexing. Based on research, we were informed about state infrastructure banks (SIB). There are 34 other states that have set up SIBs.

A SIB is a fund that offers loans and credit assistance to public bodies in order to construct highways, transits, rails and other transportation projects. The public body is then responsible for paying the loan back to the bank at a reasonable interest rate. State infrastructure banks are beneficial because they promote infrastructure, investment and the ability to leverage initial public capital by using interest collected to fund more projects. In addition, the funds are recyclable allowing the bank to fund more projects as loans are repaid just as a private bank. Senate Bill 517 is needed to take advantage of any new federal funding policies to help finance roadways and transit infrastructures necessary for our communities.

Generally, federal and matching state funds are used to start a SIB and there has been talk about significant federal investment in infrastructure. If this were to occur, there could be money dedicated for SIBs around the country. In addition, Nevada's SIB will be able to accept funding from any lawful source, including private and local capital. Senate Bill 517 is a commonsense step to prepare Nevada to take advantage of future funding opportunities to improve our transportation infrastructure. Today approximately 13 to 15 states have not created a SIB. Establishing a SIB will produce an additional tool for financing key infrastructure projects in southern Nevada, but something the entire State can take advantage of. I have also spoken to people at the National Association of Industrial and Office Properties about a utility infrastructure bank for utilities that would be opened in addition to the SIB for transportation. Mr. Scherer will walk through the amendment.

SENATOR HAMMOND:

Of the three major pieces of legislation that were brought forward from the Southern Nevada Forum, this is one of the issues that came to the forefront.

During the Interim between 2015 and this Session, we went to Denver, Colorado to look at their light rail and other infrastructure systems. The 20 to 25 people who attended learned many lessons. We learned about the cooperation of all the municipalities involved and how they were able to accomplish the goal.

The most important takeaway from the trip was that Denver was prepared and they were able to receive approximately \$1.2 billion worth of funding from the federal government to assist them in finishing their infrastructure needs. They received so much from the federal government because they were prepared by having the infrastructure in place. When the competitive bid process came out, they were the ones ready to do the project before anyone else could get a bid together. In the future, we want to be prepared to receive federal dollars with a system set up through the SIB. There has been communication from the Trump and Obama administrations that there is approximately \$550 million for infrastructure throughout the Country. If we are prepared to receive those monies and put them to work right away, we can leverage our State and federal dollars into projects, not only in southern Nevada but throughout the State.

In speaking with people, the one item that keeps coming up is the cost. There is no cost until there is money in the system. A board for the SIB is being contemplated that will have to meet and the only monies they will receive will be the cost to attend the meeting. This will not occur until there is money in the SIB.

This is a priority because we want to be prepared to receive the money. Competitive bids come out and we want to make sure that we are ready to write the grant and send it in as soon as possible. We do not want to wait to have a special session to set up the SIB because it will put us behind. Then the likelihood of getting the grant dwindles away and we will not receive the money. This bill is important for Nevada's transportation infrastructure and places Nevada in place with other states in receiving federal funding.

SCOTT SCHERER (Regional Transportation Commission of Southern Nevada): Nevada would join 34 other states in having a SIB available to receive funds from the federal government. The SIB structure started in 1995 and took off after 2005 when the federal transportation funding bill included SIBs and the parameters to create SIBs to receive federal funding.

An example of a project utilizing a SIB is the Interstate 520 Connector, a ring road around Augusta, Georgia, and North Augusta, South Carolina, that is connected to Interstate 20 helping with traffic that was growing rapidly in the area. Three different loans were made from the South Carolina SIB for three different phases of the project. Each time a loan was repaid, the money was recycled and used again for another project leveraged with federal grants, state and local funds and the loan from the SIB. The ability to leverage the funds is one of the key factors in SIBs.

Mr. Chair, do you want me to walk through the entire bill or just the amendment ([Exhibit F](#))?

CHAIR MANENDO:

Whatever is best for the Committee, but please talk about the amendment and how it incorporates with the bill.

MR. SCHERER:

I will go over the highlights of the bill and mention the provisions of the proposed amendments.

In section 5, the first definition in subsection 1, as applied to qualified project refinance from the federal highway account, identifies the costs that are permitted under applicable federal laws; the federal requirements are going to be critical there. Subsection 2 talks about the state and local highway account and provides the types of eligible costs that would be covered by a loan or financing from the SIB. This would include preliminary engineering, traffic and revenue studies, environmental studies and other types of costs that are related to that type of a project.

There are a number of states that have SIBs, and some have a SIB and a federal infrastructure bank. In section 22, the bill provides for the Nevada Bank to have a federal highway account and a state highway account and a federal nonhighway account and a state nonhighway account. There would be various

subaccounts under each of these. There will be an amendment proposed to include a utility infrastructure bank, which will parallel Assembly Bill (A.B.) 399, so there would be utility infrastructure accounts within the SIB.

Assembly Bill 399: Establishes the Nevada State Infrastructure Bank.  
(BDR 35-1129)

Section 9 relates to financing agreements. The important wording here is that it provides for either a loan or other financial assistance.

In section 13, "other financial assistance" means any use of money by the bank for the benefit of a qualified borrower, including without limitation a grant, contribution, credit enhancement, capital or debt reserve for bonds, or other debt instrument for financing, interest-rate subsidy, letter of credit or other credit instrument, security for a bond, or other debt financing instrument and other lawful forms of financing and methods of leveraging funds that are approved by the Board of Directors, and in the case of money made available to the State by the federal government, as allowed by applicable federal law. This is important because this is where the some of the funds can be leveraged. It may not be a direct loan, it might be guaranteeing a loan, providing interest-rate subsidy for a loan or to help a local government get better rates on their bonds. There are different ways the SIB will be able to help subsidize a local project within the State.

Section 10, "Governmental unit" includes a political subdivision of the State, but also allows for certain districts and political subdivisions acting in combination. This could be a regional project with two or more districts acting jointly. The proposed amendment would make it clear they can act jointly through an RTC. The RTC Board in southern Nevada is made up of representatives from Clark County, Henderson, Las Vegas and North Las Vegas. These local governmental units will be acting jointly through the RTC in this particular case.

Section 15, defines a qualified borrower as a governmental unit or an entity established by an agreement between a governmental unit and a private entity that is authorized to develop, construct and improve an operator-owner qualified project. There always has to be a governmental unit involved because funding does not go directly to a private entity.

Section 18, has the definition of “transportation facility,” this definition ties into the existing definition in *Nevada Revised Statute* (NRS) 408.5471. The proposed amendment suggests a new definition, “a road, railroad, bridge, tunnel, overpass and airport.” This is fairly broad and the idea is for flexibility in different types of transportation infrastructures that might be permitted. The amendment for utility infrastructure is included along with a definition for a utility infrastructure facility.

Section 19 creates the Bank and provides for a board of directors. The way the bill is currently worded in section 19, subsection 3, paragraph (a) has the “Commissioner of the Division of Financial Institutions of the Department of Business and Industry” as the chair. It was intended to have the Director of the Department of Business and Industry on the board because of the various programs within the Department that do bonding, industrial development bonds and other types of bonding. The original bill makes that person the chair, but the amendment ([Exhibit F](#)) will have the chair and vice chair elected by the members of the board rather than being designated.

Section 19, subsection 7 states the members of a board of directors serve without compensation other than a per diem allowance and travel expenses to attend meetings. The public member of the board will receive \$100 a day for attending the meeting. However, the way the bill is structured there will be no meetings until there is money available. Therefore, there will be no cost until there is actual money received by the State Infrastructure Bank.

Section 20 provides for the powers of the Bank. Subsection 1, paragraph (e) is concerned with making loans to qualified borrowers, paragraph (f) provides qualified buyers with other financial assistance, and paragraph (i) requires the bank to establish policies and procedures to govern the selection of qualified projects. The procedures to govern the issuance and administration of loans and other financial assistance and to put into place fiscal controls and accounting procedures necessary to operate the Bank.

Section 21 states the Governor shall appoint an executive director of the Bank. This would only happen after there is money available and the executive director would have the various authorities as set forth in section 21.

Section 22 creates the Bank as an enterprise fund and then creates various accounts and subaccounts within that fund.

Section 23 provides that a governmental unit or entity established by an agreement with the governmental unit must make an application for financial assistance in the manner described by the Bank. The executive director reviews the application to determine if in fact the applicant is a qualified borrower and that the project is eligible. The application is brought before the board to determine if the Bank will fund the project and what type of financial assistance may be required. Should federal funds be available the requirements for those funds will have to be among the criteria.

Section 24 states that if a loan or financial assistance is granted the qualified buyer will enter into a financial agreement with the Bank.

Section 25, subsection 2 allows the Bank to provide for insurance or reinsurance of a loan and to enter into an agreement with an authorized insurer to reinsure certain risks. This is designed to allow the Bank to leverage the funds. This may not be a direct loan to a borrower but may help them get a better rate on their loans from other entities.

Section 26 allows for credit enhancements, guarantees, surety bonds, and other ways of extending and leveraging the money that is in the Bank. As an example, in 2011, Florida funded 64 projects using \$1.1 billion, which leveraged into \$8.4 billion being spent on projects.

SENATOR HAMMOND:

For the record, every state that creates and operates a SIB is unique and funds can be used in different ways, as you described with Florida.

MR. SCHERER:

That is correct. The banks are set up differently based on state law, and should they receive federal funds, they will have to comply with the federal requirements on how the federal funds are spent. Some states have state banks only, some have matching requirements and some provide for interest rate subsidies. Therefore, in Florida's case they actually put out \$1.1 billion out of the bank as a direct loan, but the project they funded came to \$8.4 billion because they were able to bring in other sources to match or provide private financing and other types of financing that provided interest-rate subsidies or guarantees.

SENATOR HAMMOND:

We are not growing the federal government, we are putting money into the states and the states leverage the funds with other state funding, if possible. This is creating a system within the State that looks at different projects, takes applications from private and smaller government entities throughout the State, and decides how the money is allocated.

MR. SCHERER:

That is correct. Local governments, who may feel as though their priorities are being ignored, might be able to leverage some of their local funds with a loan from the SIB and then be able to move their projects up the priority list.

Section 27 states that any obligations of the Bank are not obligations of the State and are not backed by the credit of the State. The Bank's resources are the Bank's resources and are what anyone would have access to if they borrow or guarantee a particular debt.

Section 28 states if a qualified borrower who has obtained a loan or financial assistance from the Bank fails to repay the loan on the date due, under the terms of any note or loan obligation, there is a process to withhold funds to repay the debt to the bank. However, an exception would be that they cannot do so if it would violate the terms of an appropriation by the Legislature, violate the terms of any federal law or violate the terms of a contract which states a party or a judgment of a court is binding on the State. The amendment suggests a new subsection that if a qualified borrower violates the terms of any bonds that rely on the payment, that payment cannot be withheld because it would have to be used to repay the bondholders.

Section 33 is a supplemental act in lieu of the right of any qualified borrower to issue general obligation bonds or other bonds. Basically, local governments could use any of the powers they currently have to build transportation projects and they do not have to use the SIB. If they decide to use the SIB, then they would have to follow the provisions of S.B. 517.

Section 44 states the act becomes effective when the Director of the Department of Transportation (NDOT) provides notice to the Governor and the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry on the business of the Nevada SIB.



By putting the SIB in place, the State will be ready to receive the federal infrastructure funds to move forward. Senate Bill 517 will not have any cost and will not go into effect until that happens.

SENATOR HAMMOND:

I have noticed that there is bipartisan support so far. A year ago, the president of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and the president of the Chamber of Commerce both testified in front of a Congressional Committee talking about the need for infrastructure priorities throughout the United States and the need to fund those priorities. This one issue seems to have a lot of support from both sides. The infrastructure is crumbling around us, and the states that are ready to meet those challenges will be the ones succeeding in making sure that infrastructure projects and commerce continue to move forward.

MR. SCHERER:

I agree, not only is there bipartisan support, but support from business, labor and state and local governments. In the Southern Nevada Forum, there were people from different walks of life, different parties coming together to support these types of projects and legislation.

SENATOR GUSTAVSON:

This is called the Nevada Transportation Infrastructure Bank and under governmental unit section 10, the definition includes the political subdivisions of the State, including without limitation a county, city, town, school district and, general and local improvement districts. Why would the school district be included?

MR. SCHERER:

It is my understanding there may be a connection in the building of schools, roadway improvements and parking facilities. We did not want to exclude them.

SENATOR GUSTAVSON:

I do not see any connection, except for buses, which is transportation.

MR. SCHERER:

There is a transportation facility in Clark and Washoe Counties.

CHAIR MANENDO:

Would we need to include the system of higher education to the list if they are building something?

MR. SCHERER:

Governmental unit includes a subdivision of the State, so the Nevada System of Higher Education is a department of the State. It does have a separate constitutional authority and arguably has some independence, but I believe this would be included. We would not have any objection to include them specifically if there was a desire to do that.

JONATHAN P. LELEU (National Association of Industrial and Office Properties of Southern Nevada):

We are in support of S.B. 517 to move Nevada forward with other states. As Mr. Scherer mentioned, we have a proposed friendly amendment to bring the existing language in A.B. 399 regarding utility infrastructure banks into this particular piece of legislation.

PAUL J. MORADKHAN (Las Vegas Metro Chamber of Commerce):

We are in support of S.B. 517.

MIKE CATHCART (Business Operations Manager, City of Henderson):

We are in support of S.B. 517 with the proposed amendment.

PATRICK SMITH (National Enterprise Development Coalition):

We are in support of S.B. 517.

ANTHONY RUIZ (Las Vegas Global Economic Alliance):

We are in support of S.B. 517.

GARY MILLIKEN (Nevada Contractors Association):

We are in support of S.B. 517.

THOMAS MORLEY (Laborers Local 872, AFL-CIO):

We are in support of S.B. 517.

LEE GIBSON (Executive Director, Regional Transportation Commission of Washoe County):

We are in support of S.B. 517.

MS. JOHNSON:

When you stated, "this is the utility language you would like to see in the bill with the following changes," do you mean the entirety of A.B. 399 or anything that is not already in S.B. 517?

MR. LELEU:

Yes, that is correct, along with the changes discussed when this Session began.

SENATOR HAMMOND:

The SIBs will give states the flexibility to receive money for projects to benefit their states through their transportation systems and through projects that will help commerce.

CHAIR MANENDO:

We will close the hearing on S.B. 517 and will begin our work session with S.B. 53.

**SENATE BILL 53**: Revises provisions relating to the installation, operation and maintenance of telecommunications facilities. (BDR 18-234)

MICHELLE VAN GEEL (Policy Analyst):

The work session document ([Exhibit G](#)) for Senate Bill 53 revises provisions relating to the installation, operation and maintenance of telecommunications facilities. Among other things, the bill authorizes the NDOT to grant longitudinal access and wireless access to certain rights-of-way owned by NDOT to telecommunications providers to construct and install telecommunications facilities. The measure also provides for monetary and in-kind compensation to NDOT longitudinal access and wireless access to certain rights-of-way. Staff of the Governor's Office of Science, Innovation and Technology (OSIT) provided the attached conceptual amendment, [Exhibit G](#). Staff from OSIT is here to walk through the amendment.

BRITTA KUHN (Broadband Manager, Governor's Office of Science, Innovation and Technology):

We have spent time working with the stakeholders on the conceptual amendment outlined in [Exhibit G](#).

Section 1, subsection 5, paragraph (g) involves collection and storage of data related to State agreements. We want to make it clear these are State

agreements only and not private agreements and does nothing with proprietary information.

Section 9 provides a revised definition of longitudinal access. The reference to the 30 linear meters has been removed. There is a federal provision that states it is preferred not to use meters or anything in the metric system.

Section 11 states the definition of rights-of-way to keep the meaning in the original bill which is the land, property and any interest therein acquired or controlled by NDOT. We want to make it clear the rights-of-way belong to NDOT and are not local rights-of-way or rights-of-way controlled by local government.

Section 16 provided a new definition for wireless access and removed the term "any part of."

In section 17, subsection 1, the goal is to make sure those who participate in the fiber trade agreements know it is voluntary and there is nothing mandatory or imposed upon them and to make sure that all other rules and statutes apply. This is why reference to NRS 408.423, the regular permitting process was added. Telecoms still have the ability to go through the traditional permitting process, to access the rights-of-way or they can participate in a trade agreement. Also addressed are the concerns that this process would be implemented in a competitively neutral, fair and reasonable way.

In section 17, subsection 2, the intent is to clarify that the agreement program is voluntary and must be approved by the Telecommunications Advisory Council which is created in section 25.

In section 17, subsection 4, in terms of valuing the rights-of-way, the number of telecommunication subscribers would be struck out as part of the calculation of compensation.

Section 18, subsection 2 was removed and replaced with a new subsection 2 which provides that any longitudinal access or wireless access granted pursuant to section 17 of this act is not intended to conflict with, abrogate, supersede or otherwise affect any such access granted or otherwise affect any such access granted or authorized pursuant to NRS 711.

In Section 21, a new paragraph (c) was added to subsection 1 to require that NDOT may offer use and access if NDOT "ensures that such use and access is offered in a competitively neutral and nondiscriminatory manner to all similarly situated telecommunication providers."

In sections 21 and 28, the term "and related facilities" after the word conduit was added to conform to the term in other sections.

In section 24, subsection 5, mandatory compliance was added with chapters 711 and 408 of NRS, and other applicable state laws.

In section 25, subsection 2, "the Governor or his or her designee" was removed from the list of members; and "one member from the Nevada System of Higher Education" was added. The "Governor or his or her designee" was replaced with a member from OSIT. Subsection 9 was also amended to require the Council to approve or deny any agreement proposed pursuant to section 17; and provide that approval is to be based on a finding by the Council and that the proposed agreement meets the requirements to be completely neutral and nondiscriminatory as to the parties involved.

In section 29 the definition of "transportation facility" was amended to conform with the definition in section 4 of the bill.

Ms. JOHNSON:

Three clarifications, first, in the third mention of section 17, I want to clarify that before you can provide any access under the provisions of this section, NDOT has to enter into one of these agreements.

Ms. KUHN:

That is correct.

Ms. JOHNSON:

At the bottom of the page, we may or may not need to define the term "related facilities." But if we do need to, Ms. Kuhn has provided the Legal Division with information to make the definition easy.

On the amendment to section 24, we do not need to add in provisions of NRS as an obligation to follow all the other State laws. This is redundant because

that obligation is already in existence. If it were put in one place, then it would have to be put throughout all of NRS.

SENATOR ATKINSON MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 53.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR MANENDO:

We will skip S.B. 172 and go on to S.B. 283.

**SENATE BILL 172**: Revises provisions relating to nonrepairable vehicles.  
(BDR 43-806)

**SENATE BILL 283**: Provides for the issuance of special license plates indicating support for the Vegas Golden Knights hockey team. (BDR 43-924)

MS. VAN GEEL

The work session document for Senate Bill 283 ([Exhibit H](#)) provides for the issuance of special license plates indicating support for the Vegas Golden Knights hockey team. The measure exempts these special license plates from certain provisions that typically apply to special license plates. There were no amendments to this measure.

SENATOR GUSTAVSON:

I have concerns that we are going away from our normal procedure of collecting fees on special license plates. The bill does not state who will make up for the fees not being collected. I do not want to set a precedent of not collecting fees for special license plates that DMV should be receiving. Therefore, I cannot support this bill.

SENATOR ATKINSON:

I made it clear that a provision was made at the end of the bill that allowed the Vegas Golden Knights to take care of the fees. Therefore, the fees will be paid to DMV.

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SENATOR GUSTAVSON:  
Where is that in the bill?

Ms. JOHNSON:  
It is in section 1, subsection 6, the very last subsection at the bottom of page 2. "The Department may accept any gifts, grants or donations..." This is language that does not appear in most special license plate bills. The intention is that it will take the place of the additional fees that generally go to some charitable organization.

SENATOR GUSTAVSON:  
I am still reading that the Department "may," not that it "will," and there is no guarantee that anyone will be paying.

SENATOR ATKINSON:  
This is the intent, and we should take the Golden Knights at their word.

SENATOR GUSTAVSON:  
I will be voting no, reserving my right to change my vote on the Floor.

SENATOR MANENDO MOVED TO DO PASS S.B. 283.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR MANENDO:

There being no public comment or further business before the Committee, the meeting is adjourned at 10:02 a.m.

RESPECTFULLY SUBMITTED:

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Tammy Lubich,  
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	2		Agenda
	B	6		Attendance Roster
S.B. 312	C	2	J. Pat Gallagher / Nevada Traffic Incident Management Coalition	Written Testimony
S.B. 312	D	1	J. Pat Gallagher / Nevada Traffic Incident Management Coalition	Proposed Amendment
S.B. 312	E	1	Reid G. Kaiser / Department of Transportation	Written Testimony
S.B. 517	F	3	Scott Scherer / Regional Transportation Commission of Southern Nevada	Proposed Amendment
S.B. 53	G	3	Michelle Van Geel	Work Session Document and Conceptual Proposed Amendment
S.B. 283	H	1	Michelle Van Geel	Work Session Document