

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-ninth Session
April 6, 2017**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 8:14 a.m. on Thursday, April 6, 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

COMMITTEE MEMBERS ABSENT:

Senator Patricia Farley (Excused)

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

Michelle Van Geel, Policy Analyst
Darcy Johnson, Counsel
Daniel Putney, Committee Secretary

OTHERS PRESENT:

Scott Scherer, Regional Transportation Commission of Southern Nevada
Sean P. McDonald, Administrator, Division of Central Services and Records,
Department of Motor Vehicles
Jason T. Doering, International Association of Sheet Metal, Air, Rail and
Transportation Workers

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Matthew Parker, Brotherhood of Locomotive Engineers and Trainmen
Ron Kaminkow, General Secretary, Railroad Workers United
Al Lopez, International Association of Sheet Metal, Air, Rail and Transportation Workers
Gerald Coon, Brotherhood of Locomotive Engineers and Trainmen
Rusty McAllister, Nevada State AFL-CIO
Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada
Ray Hancock, International Association of Sheet Metal, Air, Rail and Transportation Workers
Priscilla Maloney, AFSCME Retirees
Fran Almaraz, Teamsters Local Nos. 14, 631 and 986, International Brotherhood of Teamsters
Joe Guild, Union Pacific Railroad
Nathan Anderson, Union Pacific Railroad
Wes Lujan, Union Pacific Railroad
Mark H. Fiorentino, Burlington Northern Santa Fe Railway
Sophia A. Romero, Legal Aid Center of Southern Nevada
Emily B. Reed, Program Manager, Self Help Center and Law Library, Second Judicial District Court
Jude Hurin, Administrator, Division of Management Services and Programs, Department of Motor Vehicles
Andy MacKay, Nevada Franchised Auto Dealers Association

CHAIR MANENDO:

I will open the work session on Senate Bill (S.B.) 517.

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

MICHELLE VAN GEEL (Policy Analyst):

I will read the summary of the bill and proposed amendments from the work session document ([Exhibit C](#)).

SCOTT SCHERER (Regional Transportation Commission of Southern Nevada):

With the amendment, we included the utility infrastructure provisions of Assembly Bill (A.B.) 399 throughout S.B. 517.

ASSEMBLY BILL 399: Establishes the Nevada State Infrastructure Bank.
(BDR 35-1129)

The first significant change is in section 5. We added references to two accounts that are being created: the State and local infrastructure account and the federal infrastructure account. We also included the eligible costs that could be paid from each account.

Section 6 adds utility infrastructure to the definition of eligible project.

Section 18 is the definition of transportation facility we had offered at the prior hearing on Tuesday, April 4, 2017, for this bill.

Section 19 adds the definition of utility infrastructure project.

Section 20 increases the membership of the Board of Directors for the Nevada State Infrastructure Bank from five to seven members. This section adds the Administrator of the Division of Public Works, recognizing we have projects other than transportation projects that might be included here. The second additional member is appointed by the Governor. One member of the Board has to be from a county with a population of 700,000 or more. This section also provides that the Board shall annually elect its Chair and Vice Chair.

Section 20, subsection 7 clarifies that the only compensation provided is for the two members of the general public on the Board; all other State employees on the Board will receive their regular salaries. The two members from the general public will receive \$100 per day for the days the Board meets.

The Division of Insurance expressed a concern with section 25. We have removed subsection 7 of this section, which stated that the Bank would be deemed an authorized insurer. We do not want to be an authorized insurer, but we do want to be able to procure insurance through authorized insurers. We have left other subsections in but have taken out subsection 7.

Section 21, subsection 5 exempts the Bank from Titles 55 through 57 of *Nevada Revised Statutes* (NRS).

We discussed Clark County's proposed change regarding section 28 at the prior hearing for this bill.

In section 27, subsection 3, we added a provision stating that "the Bank shall not act as a surety or guarantor for a private utility or any other private

company, association or corporation.” We included this provision because when we added utility infrastructure to this bill, we realized that many utilities were private companies, not government entities. There are Constitutional restrictions regarding the use of State funds and how the State can deal with private companies.

All of the other changes in the amendment are basically conforming changes so that A.B. 399 fits into S.B. 517.

SENATOR HAMMOND:

We have two banks existing in the same place within the same governing body. The money will be divided based on utility use or infrastructure. The two banks within the overall Bank will not cross over. That is my understanding of the way this Bank will be governed and how the funds will be disbursed. Am I correct?

MR. SCHERER:

Yes. Technically, there are six mandatory subaccounts. If the Legislature decided to appropriate money to the Bank in the future, it could designate the money for a particular account. I expect the federal government would do the same with any money it made available.

SENATOR HAMMOND:

If money were designated for infrastructure, would it go into that specific account?

MR. SCHERER:

That is correct. If there is interest earned on an account, or if there are fees returned to an account, that money would ultimately go back to the account.

SENATOR HAMMOND:

Does the Board oversee all of the accounts?

MR. SCHERER:

Yes. The Bank could create additional subaccounts if necessary.

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 517.

SENATOR ATKINSON SECONDED THE MOTION.

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SENATOR GUSTAVSON:

The amendment is quite a change to this bill. The changes seem good, but I would like to read through the amendment more. I am going to vote yes now, but I reserve the right to change my vote on the Floor if necessary.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR MANENDO:

I will open the work session on S.B. 259.

SENATE BILL 259: Revises provisions relating to driving under the influence of alcohol or a controlled substance. (BDR 43-606)

MS. VAN GEEL:

I will read the summary of the bill and proposed amendment from the work session document ([Exhibit D](#)).

SENATOR GUSTAVSON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 259.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR MANENDO:

I will open the work session on S.B. 312.

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

MS. VAN GEEL:

I will read the summary of the bill and proposed amendment from the work session document ([Exhibit E](#)).

SENATOR ATKINSON MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 312.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR MANENDO:

I will open the hearing on S.B. 339.

SENATE BILL 339: Revises provisions relating to the Department of Motor Vehicles. (BDR 43-80)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

I am asking to gut and replace S.B. 339 with a proposed amendment ([Exhibit F](#)). This bill did not come out as I had expected.

The amendment addresses the concept of vintage license plates. Currently, under Nevada law, an individual is allowed to get a vintage plate between the years 1916 and 1942 that is similar to the original plate manufactured. Nevada quit issuing new plates in 1942 because of World War II. In 1943, individuals were sent tiny metal tabs to hang over the "2" in 1942 to make the year 1943. Several automotive clubs have expressed interest in vintage plates, and several constituents have asked me to change the law so that they could have vintage plates for vehicles from the 1950s.

The amendment changes the year 1942 to 1961 in section 1 of NRS 482.3818. This change would add over 18,000 cars between the years 1942 and 1961. I chose 1961 because that is the last year Nevada printed the year on the license plate itself.

The amendment also changes the effective date for this bill. The Department of Motor Vehicles (DMV) would prefer to have the effective date be December 31 to have more time to implement changes. Issuing these vintage license plates could potentially make revenue for the DMV.

SENATOR GUSTAVSON:

What was the last year printed on the license plate?

SENATOR SETTELMAYER:

The last year the number was embossed or placed on the license plate itself was 1961. From 1962 onward, the license plate was simply blue. Most car enthusiasts agree that vintage plates make it easier for a person to appreciate the value of their cars.

SENATOR GUSTAVSON:

Are you referring to the annual date printed on the license plate? I have a license plate with the year 1969 embossed on it.

SENATOR SETTELMAYER:

The DMV quit printing the year on license plates between the years 1962 and 1969; there was another gap. I chose 1961 because that year was the most consistent number.

SEAN P. McDONALD (Administrator, Division of Central Services and Records,
Department of Motor Vehicles):

We are neutral to S.B. 339. Under the amendment, there would be no fiscal impact. The DMV has the internal resources necessary to do the programming and design work for these vintage plates. I appreciate Senator Settelmeyer allowing us additional time to make the proper changes.

DARCY JOHNSON (Counsel):

Do you want the passage and approval for adopting regulations and preparatory tasks, or do you not need that?

MR. McDONALD:

There should not be any need for regulations. We only needed additional time to implement this. We already have the framework in place to make vintage plates.

CHAIR MANENDO:

I will close the hearing on S.B. 339 and entertain a motion on this bill.

SENATOR GUSTAVSON MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 339.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR MANENDO:

I will open the hearing on S.B. 427.

SENATE BILL 427: Revises provisions governing the crew of certain freight trains. (BDR 58-1014)

JASON T. DOERING (International Association of Sheet Metal, Air, Rail and Transportation Workers):

I will read from my prepared testimony in support of this bill ([Exhibit G](#)). I submitted supplemental information to accompany my testimony ([Exhibit H](#)).

MATTHEW PARKER (Brotherhood of Locomotive Engineers and Trainmen):

I will read from my prepared testimony in support of this bill ([Exhibit I](#)). I submitted supplemental information to accompany my testimony ([Exhibit J](#) and [Exhibit K](#)). Mr. Doering and I submitted a proposed amendment ([Exhibit L](#)).

RON KAMINKOW (General Secretary, Railroad Workers United):

Rail carriers might say they will only have single-employee crews on trains governed by positive train control (PTC), but that is disingenuous. On November 1, 2004, rail carriers submitted a proposal to operate trains in the U.S. with single-employee crews. This was long before the 2008 Chatsworth train collision, which led to the Railroad Safety Improvement Act (RSIA) of 2008. This Act mandated PTC. Rail carriers were interested in operating single-employee trains long before most Americans had ever heard of the term PTC. The opposition will attempt to convince you that single-employee crews are not a safety hazard and that this issue is not appropriate for State legislation. The opposition will most likely mention PTC. However, PTC is not a substitute for two people in the cab of a locomotive. Positive train control only protects individuals in certain circumstances, but there are many possible events and errors that could arise, such as derailments based on poor tracks, track failures, broken axles, broken wheels and grade crossing collisions. When disaster strikes, there needs to be a two-person crew.

The rail industry may say this bill is a subject for collective bargaining. In 1883, one of the first pieces of federal legislation to regulate industry mandated air brakes on trains. The rail industry was reluctant to apply this wonderful technology, invented by George Westinghouse, because it cost money. By the turn of the century, most trains had air brakes, and the inclusion of them was a massive safety improvement.

Another example is the Janney coupler. This new technology had to be legislatively mandated for it to be incorporated by the rail industry.

When the caboose was cut off in the 1980s, rail carriers implemented something called an end-of-train device, but this device did not go two ways. With a two-way device, the train could be thrown into emergency from its rear end by the flip of a switch. After a series of runaway trains between 1985 and 1996, which led to the loss of numerous lives and tens of millions of dollars of property damage, it was finally legislatively mandated that a train could not leave its initial terminal without a working two-way end-of-train device.

Most recently, in addition to PTC, the RSIA improved the hours of service law so that employees could have ten hours off between shifts as opposed to eight. Our Country has a long history of legislating safety on the railroad. Safety is not a proper subject for collective bargaining.

The rail industry may say that passenger trains in the U.S. operate with a single employee, so freight trains could be run by a single employee, too. As an Amtrak engineer, I am not alone. I might be alone in the cab of a locomotive, but I have a conductor and an assistant conductor with me to remind me of impending speed restrictions and other hazards that may lie ahead. If I am fatigued, I can have either the conductor or the assistant conductor operate the locomotive with me. Passenger train engineers like myself are often on duty for a more limited amount of time. If my job on an Amtrak train requires more than six hours, there is a second engineer with me. If my job runs through the night, I also have a second engineer. This creates a four-person crew. I do not want the rail industry to convince you that passenger trains and freight trains are the same because they are not.

In a freight environment, which I worked in for a number of years before working for Amtrak, there is no set schedule. From one day to the next, a freight engineer will not know when he or she has to work or when the job will

be finished. An engineer could easily work 12 hours or more at one time. Also, most freight trains operate at night. These aspects of the freight environment can cause an engineer to be fatigued.

The rail industry may say two-person crews are not an issue for states to discuss because of interstate commerce. Wisconsin, however, has had a law for 25 years mandating the use of two-person crews. California passed a two-person crew bill last year. Minnesota and Arizona are considering two-person crew bills. The Safe Freight Act of 2017 is currently being considered by the U.S. House of Representatives. I agree that a two-person crew should be mandated at the federal level, but the federal government is often slow to act. We can see numerous examples of where states have led the way. If we could get a critical mass of states like Nevada to support a two-person crew bill, then eventually, the federal government may do the right thing and mandate a two-person crew at the national level.

Two and a half years ago, the Burlington Northern Santa Fe Railway, the second largest freight railroad network in the U.S., reached a tentative agreement with a renegade general committee of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) to allow one-person crews. Despite being offered job security and lots of money by the Railway, SMART's members resoundingly voted down the tentative agreement.

I urge you to support S.B. 427.

SENATOR GUSTAVSON:

Are there any regulations requiring certain amounts of time off between shifts? I have a commercial driver's license, and I have to be off for at least ten hours between shifts before continuing to drive a commercial vehicle. Does the rail industry have such requirements for time off work?

MR. PARKER:

After finishing a job, we must have ten hours off, undisturbed, during which the railroad cannot contact us. There is no advance notification as to when we go to work, nor do we have a set schedule for days off. Also, per federal law, if we work for 6 consecutive days without a continuous 24-hour break in between any one of those days, then we are mandated to take 2 days off. In the event that the work of the sixth day requires going out of town, we work at home on the seventh day and then take three days off. However, nothing is scheduled.

We have tried to work with rail carriers for years on this issue. At times, we have had work-rest schedule agreements, but all of these agreements have been revoked. We seem to get nowhere with this issue.

SENATOR GUSTAVSON:

Ten hours off should solve the fatigue issue, although one does get particularly tired when working late at night.

Are there restrictions as to how long train sightings can be? I do not know of any train sightings that were a mile or two long.

MR. PARKER:

Nevada does not have sightings that long. Typically, a train is routed over a predominantly westbound line so that it does not meet any trains. Train size became an issue during the flooding we have recently experienced. The line east of Wells, Nevada, which has long sightings, was out of service due to flooding. This caused significant issues. In another example, crews sat at their away-from-home terminal in Elko for over 30 hours. These crews knew the train was coming, but they did not know when it was going to be called. The members of these crews were not able to properly plan when to sleep.

SENATOR GUSTAVSON:

I understand there are situations like that.

CHAIR MANENDO:

Ten hours of time off is not enough. If an individual sleeps for eight hours, two hours is not enough time to do whatever else he or she needs to do.

SENATOR HAMMOND:

Mr. Parker, you mentioned in your testimony that full crews were removed from State statute in 1985. Could you tell us a little more as to why your organization moved on this issue that year? What did the organization feel it was getting when two-person crews were given up?

MR. PARKER:

A retired conductor named C. R. Nelms, who submitted written testimony in support of this bill ([Exhibit M](#)), was involved in the 1985 repeal. Mr. Nelms told me the repeal would have never been agreed to if he and his organization had foreseen that rail carriers wanted to pursue one-person crews in the future.

SENATOR HAMMOND:

When the 1985 repeal was agreed to, the issue of two-person crews became a part of collective bargaining. Mr. Doering mentioned that something had to be given up for two-person crews. What is being bargained? What is typically given up?

MR. PARKER:

An example would be the Burlington Northern Santa Fe Railway agreement Mr. Kaminkow mentioned that was voted down by SMART. The railroad promised lifetime job security and higher pay in exchange for giving up two-person crews. What is bargained can vary. We have bargained down on so many things that there is not a lot left to give.

MR. DOERING:

Mr. Parker and I work on the legislative side of this issue, not the bargaining side. However, I could get you in touch with someone who could answer your question more specifically.

SENATOR HAMMOND:

I realize there might be a variety of things that are bargained. I am wondering, however, if there is something that is typically given up.

MR. KAMINKOW:

Over the years, we have given up work rules and arbitrary things. We used to have rules such as initial terminal delay and final terminal delay. These rules could be used for penalty claims, but they have largely disappeared. Giving up work rules has been a standard pattern in the rail industry but has been accelerated under the railway Executive E. Hunter Harrison. Money and higher wages are offered sometimes, but the rules are taken away.

SENATOR HAMMOND:

I understand that work rules and arbitrary things are typically given up. I will probably pose the same question about what is bargained to the opposition.

AL LOPEZ (International Association of Sheet Metal, Air, Rail and Transportation Workers):

Senate Bill 427 is vital to ensure the safety of communities across Nevada. Freight trains are typically one to three miles long and frequently stop unexpectedly. As a result, two crew members are necessary to open blocked

rail crossings. On July 6, 2013, an unattended freight train carrying 72 tank cars of crude oil derailed and exploded in Quebec, Canada, killing 47 people and destroying much of the nearby town. The train, which was operated by a single crew member, rolled away because the engineer was unable to secure the train on his own. Engineers and conductors are each responsible for a long list of unique duties, most of which must be carried out simultaneously. Combining these responsibilities for one individual worsens the most critical safety issue facing the rail industry today: high levels of fatigue among operating employees. Fatigue contributes to additional train accidents. While the rail industry claims the implementation of PTC allows trains to be safely operated with a single crew member, it is simply untrue. Positive train control cannot open rail crossings, see potential security threats or physically secure trains. These operations require two people and no less. It would be unthinkable for a commercial airliner to be operated by one pilot, even though a plane can fly by itself. Freight trains, which cannot be operated by themselves, should be treated no differently.

I urge the Committee to support S.B. 427. We want to be proactive, not reactive. We cannot wait until a tragedy like the one in Quebec happens in Nevada.

GERALD COON (Brotherhood of Locomotive Engineers and Trainmen):

I echo the support of Mr. Lopez. It is important to have two people on a crew. I have seen the reduction of crew size over time. We should pass this bill to keep our communities safe.

RUSTY McALLISTER (Nevada State AFL-CIO):

We support S.B. 427. This is a common sense safety issue. Nevada has had a policy in statute since 1909 regulating how many members should be on a crew in a train. This is not something new. The Federal Railroad Administration is looking to propose regulations to mandate two-person crews.

THOMAS D. DUNN (District Vice President, Professional Fire Fighters of Nevada):

In February, there was a television program on the Public Broadcasting Service discussing how trains crash. Of the three incidents covered in the program, one was the freight train accident in Canada that Mr. Lopez mentioned. The Transportation Safety Board of Canada found that a single-person crew was a risk factor for the accident.

While technology may be great and improving, it still has its flaws, and it can still fail. If there is only one person on a crew, there is no backup. Two-person crews can help address equipment failures and personnel failures. This is a common sense public safety issue. Two-person crews provide a check and balance on people, equipment and goods traveling through our State.

RAY HANCOCK (International Association of Sheet Metal, Air, Rail and Transportation Workers):

I support S.B. 427 for the safety of Nevada's railroad workers. Crew size has decreased from five to two members. Technology has improved to allow such a decrease in crew size, but this new technology has increased the workload and demands of railroad employees.

We work in a 24/7 on-call environment. We have 90 minutes to report for work, and then we work a 12-hour shift. Pilots, on the other hand, have a ten-hour notice and a set work schedule.

In many instances, the difference between a derailment and a simple repair is the conductor paying attention to his or her surroundings. Several recent incidents highlight this. For example, an American Airlines pilot had a heart attack while flying a plane. The copilot took over and safely landed the plane. A second person can help prevent accidents from occurring.

To address Senator Hammond's question regarding collective bargaining, national agreements are usually brought forth because of disagreements, and there is a presidential arbitration and mediation board that enforces national contracts. For many years, there has not been a consensus between labor and management, so the issue has gone to the arbitration and mediation board. To increase productivity of the rail industry, employees' workloads have increased, and work rules have changed. Our pay structure and health insurance have changed, too. These decisions are usually made at a national level.

PRISCILLA MALONEY (AFSCME Retirees):

I would like to revisit the topic of the unexpected nature of a freight crew's daily work. There was an incident in June 2013 in northern Nevada. An individual committed suicide by jumping in front of a train. There was a controversy after the death. Lyon County personnel visited the site to clean up and inspect it, but the rail carrier wanted to move on quickly. There were things left over, such as a ruined note that could have been a suicide note.

These sorts of issues matter at a local level; there are local ramifications. We need to make sure railroad employees have all the tools they need to do their jobs effectively.

FRAN ALMARAZ (Teamsters Local Nos. 14, 631 and 986, International Brotherhood of Teamsters):

We strongly believe in safety issues. Two-person crews are a necessity.

CHAIR MANENDO:

Lawrence M. Mann of SMART submitted testimony ([Exhibit N](#)) and supplemental information ([Exhibit O](#)) in support of this bill.

JOE GUILD (Union Pacific Railroad):

I would like to provide the Committee with context regarding the 1985 repeal of Nevada's 1909 full crew law. Mr. Parker correctly rendered what the 1985 committee transcript was, but I was there. This issue started in 1983. The Western Pacific Railroad, the Union Pacific Railroad and the Southern Pacific Transportation Company brought forth a bill to repeal the full crew law, but the bill failed. The railroads returned with the same legislation in 1985. The full crew law was ultimately repealed because of the need for crew size reduction, which was acknowledged and reluctantly supported by the railroad unions. Both Democrats and Republicans in the Legislature supported the repeal.

Mr. Parker mentioned Mr. Nelms' involvement with the repeal, but I do not recall his involvement.

The Legislature dealt with another crew size bill that ultimately failed. Legislation to maintain train cabooses also failed. I understand where the rail unions are coming from, but there will be substantive opposing testimony today.

SENATOR HAMMOND:

I am trying to understand the 1985 repeal. We heard compelling testimony today regarding safety. You are saying the repeal passed despite the opposition. Why did the Legislature ultimately support the repeal? Who thought that two people in the cab was not important?

MR. GUILD:

I do not want to diminish everything Mr. Parker said. A lot of railroads were failing. There were tax issues and labor issues across the U.S. that were

causing railroads to have problems. Technology had somewhat caught up with the rail industry. Five members were required by the original 1909 law. There was a recognition by the Legislature and the Governor that the law was outdated. They recognized that the State needed to modernize the rail industry. The State did not need to dictate crew size when collective bargaining was doing just that.

SENATOR HAMMOND:

I did not know about the pre-1985 requirement for five crew members.

MR. GUILD:

There was an acknowledgment that railroads were not going to summarily fire every crew member on these freight trains. Through attrition, these trains would ultimately operate with two crew members. No employee was going to lose his or her job as a result of the 1985 repeal. Job security may have been an incentive.

NATHAN ANDERSON (Union Pacific Railroad):

I will read from my prepared testimony in opposition to this bill ([Exhibit P](#)).

CHAIR MANENDO:

Why do you think railroads are safe? Is it because of two-person crews?

MR. ANDERSON:

We focus on safety. We train for safety. We build safety processes into our operating rules. Across our network, we invest heavily—billions of dollars—into safety.

CHAIR MANENDO:

Would this include two-person crews?

MR. ANDERSON:

Two-person crews are our standard operating practice.

CHAIR MANENDO:

Why is that?

MR. ANDERSON:

Two-person crews are collectively bargained.

CHAIR MANENDO:

If two-person crews were not collectively bargained, would Union Pacific Railroad use one-person crews? Do you think two-person crews are safer for workers, the general public and the freight train itself?

MR. ANDERSON:

I am not involved with labor negotiations or operating practices, so I cannot offer testimony or insight into how decisions relating to crew size are made. Currently, two-person crews are the standard. We are not looking to move away from two-person crews.

CHAIR MANENDO:

Is a two-person crew safer than a one-person crew?

MR. ANDERSON:

We do not have any data regarding one-person crews because we do not use them.

CHAIR MANENDO:

Has Union Pacific Railroad ever used one-person crews?

MR. ANDERSON:

No.

I will continue reading from [Exhibit P](#).

SENATOR HAMMOND:

I understand the state-by-state patchwork of laws can be cumbersome. However, this is historically the way the U.S. has done things. The federal government does not always move quickly enough. Many times, states do a much better job of figuring out what is best for their citizens. You mentioned that state regulations might encumber interstate commerce. How might these regulations affect interstate commerce?

MR. ANDERSON:

State regulations could encumber or create a competitive disadvantage for Nevada because if the collective bargain were to change, more labor would be required in each freight train traveling through the State. Other states would not have the same requirement. These regulations would disrupt the marketplace.

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SENATOR HAMMOND:
Would other states have one-person crews?

MR. ANDERSON:
That is not the situation today.

SENATOR HAMMOND:
Do other states have one-person crews in their collective bargaining agreements?

MR. ANDERSON:
Our collective bargaining agreements require two people in our freight trains.

SENATOR HAMMOND:
Do you know of any other states that require only one?

MR. ANDERSON:
No.

SENATOR HAMMOND:
If you believe two-person crews are the standard for safety, why do they continue to be collectively bargained? What is it that is usually bargained away in exchange for two-person crews?

MR. ANDERSON:
We currently have two-person crews. Our intention is to continue using two-person crews. Historically, technology, operating rules and other things have changed to allow us to safely reduce crew size. Union Pacific Railroad is primarily focused on safety. Every decision we make has a safety focus. We want the opportunity to acknowledge changes in technology and operating practices that would allow us to safely move to other collectively bargained agreements.

As to what is given up, I am not involved in labor relations or negotiations, so I cannot answer that question. However, as proponents to this bill have mentioned, there are trade-offs for things such as work rules, claims and base pay scales.

SENATOR HAMMOND:

I understand changing technology. The way businesses are conducted is changing. We heard in testimony today, however, that there is a threshold for crew size. Below this threshold, safety would be jeopardized. You agree that two-person crews are important, so it seems prudent to maintain two-person crews. I do not know how technology would change this. Because 1985 was 32 years ago, there has to be an impetus for revisiting the question of crew size. This may be because of technology changes and how people perceive the relation of technology to crew size.

MR. ANDERSON:

There is concern about the impact of technology. We can also provide you with additional information regarding labor negotiations.

SENATOR HAMMOND:

I would appreciate that information. This is an issue I would like to continue researching.

SENATOR GUSTAVSON:

I looked up the train accident that occurred in Quebec, Canada. The Transportation Safety Board of Canada was not able to conclude that having another crew member would have prevented the accident. The opponents do not want to have their hands tied so that when technology does change, they can safely use one-person crews.

WES LUJAN (Union Pacific Railroad):

The average railroad employee receives, in salary and benefits, \$113,000 per year. This number is in the top 7 percent of all industries. We recognize that there are a lot of sacrifices our employees make.

Union Pacific Railroad has been operating in Nevada for roughly 155 years. Between 2012 and 2016, we have invested \$363 million in our right of way. We are doing what we can to continue to make our railroad network the safest in the world.

My understanding is that from 1950 to 2015, there has been a 1,136 percent decrease in railroad incidents. Looking at the span of railroad technologies, there has been a tremendous decrease in incidents as a result of such technologies.

VICE CHAIR ATKINSON:

There are groups and individuals who see a need for this change. Have you had the opportunity to work this issue out with them without the Legislature's help?

MR. GUILD:

The first time we heard about S.B. 427 was when it was introduced on March 23. Since that time, I have talked briefly with Mr. Doering. I have talked to Mr. McAllister and other lobbyists. However, we have not had any substantive discussions because of the accelerated time period for this bill. We would be happy to work through this issue if we could.

VICE CHAIR ATKINSON:

Do you envision moving to one-person crews?

MR. ANDERSON:

We do not intend on moving to one-person crews. Ten years ago, we did not anticipate autonomous trucks. I cannot anticipate every technological change. During the collective bargaining process, we should be able to look at the technology available to us in the context of a safe and efficient railroad.

VICE CHAIR ATKINSON:

Which unions do you negotiate with?

MR. ANDERSON:

We deal with SMART and the Brotherhood of Locomotive Engineers and Trainmen.

VICE CHAIR ATKINSON:

Why do you think the unions want to circumvent the collective bargaining process and bring this matter before the Legislature?

MR. ANDERSON:

I cannot speak to their motivations. You need to ask them.

VICE CHAIR ATKINSON:

I did not ask you that. I want to know why you think the unions are trying to do this.

MR. ANDERSON:
I do not know.

CHAIR MANENDO:

I do not want to speak for the trucking industry, but individuals from the industry have said there would still be someone in the cab at all times to ensure everything was all right and the freight was protected. Even though technology is changing, there will still be a person on board.

MARK H. FIORENTINO (Burlington Northern Santa Fe Railway):
The Burlington Northern Santa Fe Railway opposes S.B. 427. Don Maddy of the Railway submitted written testimony in opposition to this bill ([Exhibit Q](#)).

SENATOR ATKINSON:

I have a difficult time when there are friends on both sides of the issue. I have not been a proponent of legislatively doing things that get in the way of negotiations between two parties. I would like to see the proponents and opponents of S.B. 427 work things out.

MR. DOERING:

The information I provided with [Exhibit H](#) discusses interstate commerce. You should take a look at that.

MR. HANCOCK:

There were statements made concerning railroad safety and the decreases in crew size over time. However, the amount of railroad miles run today compared to about 1965 is half. The number of railroad employees is 1/3 of what it used to be. The improvements in technology and the utilization of crews have increased but not to the extent the opposition mentioned.

MR. KAMINKOW:

It has been overlooked that California already has a two-person crew law. The majority of freight trains traveling through Nevada come from or go to California. There would not be an adverse effect in that regard.

Safety is not something to be bargained. The workers from the Burlington Northern Santa Fe Railway who voted down the agreement I mentioned earlier proves that this issue is important to SMART and the Brotherhood of

Locomotive Engineers and Trainmen. For the past decade, these unions have maintained that this issue is not something to be bargained.

CHAIR MANENDO:

I will close the hearing on S.B. 427 and open the hearing on S.B. 452.

SENATE BILL 452: Revises provisions governing certificates of title for vehicles.
(BDR 43-1067)

SOPHIA A. ROMERO (Legal Aid Center of Southern Nevada):

I will read from my prepared testimony in support of this bill ([Exhibit R](#)). I submitted a proposed amendment ([Exhibit S](#)).

Section 1 essentially says that if an individual purchases a vehicle but does not have the required DMV documents to register it, the individual can still get the title in his or her name, but a bond needs to be posted. Vehicles purchased in these sorts of situations are usually of lower value. There are bond companies that provide bonds for these purchases. Other states have laws for similar situations. We are trying to avoid suing everybody and instead have an administrative process whereby people can obtain titles for vehicles. Also, there is a three-year period so that someone could be compensated by the DMV if he or she has a superior title.

EMILY B. REED (Program Manager, Self Help Center and Law Library, Second Judicial District Court):

Vehicle titles are an ongoing issue in our community. In 2016, our Law Library had 253 community members contact us regarding vehicle titles. Many people who purchase vehicles through private sales or who are gifted vehicles do so without proper transfer of title. These individuals may have bills of sale, but when they visit the DMV, they cannot register their vehicles. Unfortunately, there is no clear process defined by statute for these individuals to later obtain titles. As a result, members of the public are frustrated. If these individuals decide to file in district court, the filing fee is \$260. If they need to publish in a newspaper, that could cost upwards of \$400. Many of these vehicles have lower monetary values. To pay \$660 for a suit to maybe obtain a title is a lot of money. We are hoping bonded titles would provide a consistent solution to an ongoing problem. Bonded titles protect wronged individuals and allow people who purchased in good faith to move forward with titling and registering their vehicles.

SENATOR HAMMOND:

Could an individual simply state that he or she needs more than a bill of sale during the transaction?

MS. REED:

The issue is that these individuals have already purchased their vehicles. They come into the Law Library because they need to register their vehicles. The DMV Website states that individuals who purchase vehicles by way of private sale need to obtain titles and bills of sale, but people are missing this step, or they lose their titles. A lot of times, vehicles are handed down, but the transfer of title was not done correctly in the past. We want to find a consistent remedy for these individuals.

SENATOR HAMMOND:

Why are people having a difficult time understanding what needs to be done for the transaction? What other states are doing something similar to S.B. 452?

MS. ROMERO:

These are unsophisticated, trusting consumers. Somebody selling his or her car may write on a piece of paper that he or she sold the car, sign it and then write "Bill of Sale" at the top. The person buying the car thinks this piece of paper is good enough to register the vehicle. In some cases, the title is signed and handed over, but the buyer does not have a bill of sale. There is confusion and a lack of sophistication on the part of the people purchasing these vehicles.

As far as other states go, Texas has a bonded title statute.

SENATOR HAMMOND:

I was hoping somebody from law enforcement would testify.

MS. ROMERO:

The only time law enforcement would be an issue is if a vehicle were reported stolen, and then somebody attempted to sell it to a third party. When a vehicle is reported stolen, the DMV receives notice. Additionally, an owner often has the title to his or her vehicle, so this issue is more of a civil matter.

SENATOR GUSTAVSON:

How would the DMV assess the value of an old car?

MS. REED:

I do not have the answer to that question.

MR. McDONALD:

The DMV is neutral to S.B. 452. We had some concerns, so we propose a conceptual amendment ([Exhibit T](#)) to ensure the DMV is protected in the situations addressed with this bill. The way S.B. 452 reads, somebody would come in with a bond for a vehicle and a bill of sale, but he or she would not have a title. The bond would serve for three years in case somebody came forth and wanted to claim right of ownership of the vehicle. We are concerned with the potential for fraud.

Senator Gustavson, to answer your question, the DMV can only look at the manufacturer's suggested retail price for a vehicle. There would not be a way to appraise a vehicle.

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

The proposed amendment is the result of recommendations from a Deputy Attorney General and the DMV. We want to work with Senator Segerblom to ensure we have enough time to implement the process set forth in S.B. 452.

ANDY MACKAY (Nevada Franchised Auto Dealers Association):

We are neutral to S.B. 452. Is this a significant problem that exists? Could this bill lead to title washing? This is similar to our opposition to S.B. 172 from a few weeks ago.

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

We are also concerned with how the value of a vehicle would be established. Although this bill would not impact any of the Nevada Franchised Auto Dealers Association's members, there is still a chance it would.

CHAIR MANENDO:

I will close the hearing on S.B. 452.

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CHAIR MANENDO:
I adjourn the meeting at 10:52 a.m.

RESPECTFULLY SUBMITTED:

Daniel Putney,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	7		Attendance Roster
S.B. 517	C	30	Michelle Van Geel	Work Session Document
S.B. 259	D	3	Michelle Van Geel	Work Session Document
S.B. 312	E	2	Michelle Van Geel	Work Session Document
S.B. 339	F	1	Senator James A. Settlemeyer	Proposed Amendment
S.B. 427	G	5	Jason T. Doering / International Association of Sheet Metal, Air, Rail and Transportation Workers	Written Testimony
S.B. 427	H	14	Jason T. Doering / International Association of Sheet Metal, Air, Rail and Transportation Workers	Supplemental Information
S.B. 427	I	8	Matthew Parker / Brotherhood of Locomotive Engineers and Trainmen	Written Testimony
S.B. 427	J	24	Matthew Parker / Brotherhood of Locomotive Engineers and Trainmen	Supplemental Information
S.B. 427	K	10	Matthew Parker / Brotherhood of Locomotive Engineers and Trainmen	Supplemental Information 2
S.B. 427	L	1	Matthew Parker / Brotherhood of Locomotive Engineers and Trainmen	Proposed Amendment
S.B. 427	M	1	Matthew Parker / Brotherhood of Locomotive Engineers and Trainmen	Written Testimony of C. R. Nelms
S.B. 427	N	19	Senator Mark A. Manendo	Written Testimony of Lawrence M. Mann

S.B. 427	O	2	Senator Mark A. Manendo	Supplemental Information from Lawrence M. Mann
S.B. 427	P	3	Nathan Anderson / Union Pacific Railroad	Written Testimony
S.B. 427	Q	3	Mark H. Fiorentino / Burlington Northern Santa Fe Railway	Written Testimony of Don Maddy
S.B. 452	R	1	Sophia A. Romero / Legal Aid Center of Southern Nevada	Written Testimony
S.B. 452	S	1	Sophia A. Romero / Legal Aid Center of Southern Nevada	Proposed Amendment
S.B. 452	T	1	Sean P. McDonald / Division of Central Services and Records, Department of Motor Vehicles	Proposed Amendment