

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

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

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 9:01 a.m. on Tuesday, April 18, 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:

Sean Sever, Director of Communications, Department of Transportation
Reid G. Kaiser, Assistant Director, Operations, Department of Transportation
Dennis S. Osborn, Colonel, Nevada Highway Patrol, Department of Public Safety
Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers
Michael Sean Giurlani, President, Nevada State Law Enforcement Officers' Association; Statewide Law Enforcement Coalition
Chuck Callaway, Las Vegas Metropolitan Police Department
Jayne P. Harkins, P.E., Executive Director, Colorado River Commission of Nevada

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CHAIR MANENDO:

We will begin the hearing on Assembly Bill (A.B.) 17.

ASSEMBLY BILL 17: Revises provisions governing the duties of a driver when approaching certain authorized vehicles of the Department of Transportation. (BDR 43-140)

SEAN SEVER (Director of Communications, Department of Transportation):
I will read my testimony ([Exhibit C](#)).

REID G. KAISER (Assistant Director, Operations, Department of Transportation):
I will read from my testimony ([Exhibit D](#)).

CHAIR MANENDO:

What is considered an authorized vehicle?

MR. KAISER:

Authorized vehicles are typically one ton or larger such as snowplows, the brooms on the interstates and vehicles that are parked along the shoulder picking up trash, essentially the slow-moving vehicles.

SENATOR HAMMOND:

What type of lights do the vehicles have that you mentioned?

MR. KAISER:

The Department has a handful of vehicles that have the steady burn blue lights. Most of the vehicles have the flashing amber lights. This is only for the vehicles that are stopped on the shoulder.

SENATOR HAMMOND:

I do not believe motorists are trained to respond to the lights, especially the blue lights. If there is a vehicle on the shoulder of the road, how are you going to educate and get the word out to motorists the specific requirements? For the record, how many people visit your Website?

MR. SEVER:

We have a lot of people visit the Website, 20,000 followers on Twitter and 90 percent of Nevadans have seen the Zero Fatalities campaign.

DENNIS S. OSBORN (Colonel, Nevada Highway Patrol, Department of Public Safety):

Just like the troopers of the Nevada Highway Patrol, the Department of Transportation maintenance workers put themselves in danger every day. The Nevada Highway Patrol is in support of A.B. 17.

We agree with Senator Hammond's comments on education and the Department of Public Safety and the Public Information Officer will support A.B. 17 with educational programs.

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

This is a matter of public safety, and our members want safety for all who travel on the highway. It is sad that it has taken a death of one of our own to bring this bill to the Committee. We need to make a safer environment for everyone who is on the roadway so this kind of tragedy does not happen in the future. We support A.B. 17.

MICHAEL SEAN GIURLANI (President, Nevada State Law Enforcement Officers' Association; Statewide Law Enforcement Coalition):

We are in support of A.B. 17. I am a retired State trooper, and when working accidents on the interstate or in the mountain passes, the Department of Transportation was there to help. Often they were there before us, especially in the winter conditions with their snowplows. Their large trucks help to protect the scene, the officers and the other motorists involved in crashes.

CHAIR MANENDO:

I know there was a possible proposed amendment ([Exhibit E](#)) which was run by our legal team.

DARCY JOHNSON (Counsel):

It was the decision of the Legislative Counsel that the amendment, [Exhibit E](#), was not germane to A.B. 17.

MR. MCCANN:

Is there a way we can rebut that? I do not know the procedure and do not know if we are allowed to have the discussion here today to make the amendment, [Exhibit E](#), into a germane environment.

CHAIR MANENDO:

You will need to speak with the Legislative Counsel and since we will not be moving the bill today, there will be an opportunity to do so. I understand and am in support of what you are trying to do.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):
We are in support of A.B. 17.

SENATOR HAMMOND:

When we talk about education, it is not something we take lightly. If you go to other states such as Nebraska and Iowa, there is no mistaking what the laws are in those states. There is a sign every two or three miles that tells the motorist to pull over to the left or right for emergency vehicles or if anything is on the road. It is great to see a bill like A.B. 17, but they are words on a piece of paper that many people will not see. If we truly want safety for emergency vehicles and work vehicles, we have to get serious and make sure it is visible and motorists on the road know what the law is.

CHAIR MANENDO:

How much do the signs cost?

MR. KAISER:

The signs are not very expensive. The problem is there are so many reasons to put up signs, our traffic engineers get concerned there will be a proliferation of signs advising motorists. The decision to put up signs is usually left up to the traffic engineers. I will go back and talk to our traffic engineers to determine which signs would be relevant to put up.

SENATOR HAMMOND:

Having traveled a lot, you will have to be creative. One time I was going through Canada, I was going 90 kilometers per hour, and a moose came out from the side of the road. I remember hitting the brakes to slow down and when I got close enough, I could see it was not a real moose. It was a huge white cutout billboard moose, and it said, "Slow down, this could have been the real thing." This was very creative thinking outside the box. I understand you do not want all the signs on the road, but there was no mistake when I went through Nebraska as to what the law was.

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CHAIR MANENDO:

The State has the reader boards where messages are put. I am sure you could also add the move over message without cost.

MR. SEVER:

We will get the word out and have a good campaign.

CHAIR MANENDO:

We will close the hearing on A.B. 17 and open the hearing on A.B. 11.

ASSEMBLY BILL 11: Revises provisions governing the operation of unmanned aerial vehicles. (BDR 44-137)

JAYNE P. HARKINS, P.E. (Executive Director, Colorado River Commission of Nevada):

An existing law, *Nevada Revised Statute* (NRS) 493, prohibits a person from operating an unmanned aerial vehicle (UAV) within a horizontal distance of 500 feet or a vertical distance of 250 feet from a critical facility. The critical facilities were specifically defined in NRS 493 as off limits for UAVs without the written consent of the owner of the facility. Currently, these facilities include mining facilities and electrical infrastructure of utilities. In the last Session, it was defined by referring back to NRS 704.187 and it only included NV Energy's electrical facilities and its transmission lines.

The Colorado River Commission of Nevada (CRC) is asking to incorporate the electrical facilities that are owned, operated, inspected, maintained or repaired in whole or in part by the CRC be added to the critical facilities specification.

Nevada State legislation created our organization in 1935. There are three offices in the Las Vegas area and a seven-member commission. Including our chair, four of them are appointed by the Governor and three from the Board of Directors of the Southern Nevada Water Authority. Our purpose is to protect, receive, safeguard and hold in trust the water and hydropower resources provided from the Colorado River for the benefit of Nevada. The CRC receives no State funds and is funded by our water and power customers.

Our mission is to protect and manage our Colorado River water and power resources.

Our natural resource is 300,000 acre-feet of water received annually from the Colorado River for beneficial use purposes. We serve as stewards for Nevada by protecting the entitlement to those rights. Over 2 million people in southern Nevada rely on the Colorado River for 90 percent of their water supply.

We participate in environmental programs on the River including the Glen Canyon Dam Long-Term Experimental and Management Plan and the Endangered Species Act of 1973. Compliance is done under a program called the Lower Colorado River Multi-Species Conservation Program. The CRC does the water accounting for the State in compliance with federal water reporting requirements and discusses activities with other Colorado River Basin states concerning drought contingency plans and working on the declining Lake Mead elevations.

We have contracts and allocations for hydropower from the federal government with the Hoover, Parker, Davis and Glen Canyon Dams. The CRC and the City of Boulder City hold long-term contracts allocated by Congress for the Hoover Dam hydropower. We receive the hydropower, and under State law, we allocate for the States' best interest to Nevada customers under long-term contracts.

A list of our customers is on Slide 9 of my presentation ([Exhibit F](#)). We just added new customers for the Hoover power on 50-year contracts starting October 1, 2017 through 2067. State government is now part of our portfolio of customers, which includes Corrections Administration, Department of Transportation and a number of the schools with the University of Nevada, Las Vegas and Clark County School District.

The CRC's Energy Services group buys market power for some of our customers when the hydropower does not meet their full load requirement. We have joined with the City of Boulder City, Lincoln County Power District No. 1, Overton Power District No. 5, and the Southern Nevada Water Authority (SNWA) to create the Silver State Energy Association (SSEA). The SSEA buys the market power market, and by including all of us together, they can buy more in the bulk market, getting better prices that can be passed on to all the customers.

The CRC owns, maintains and operates power and communication facilities located in and around Las Vegas, Henderson and Boulder City. These facilities are needed for water pumping and treatment, wastewater treatment, and

industrial manufacturing. We do this to maintain the safety and reliability of the CRC's facilities and the safety of our personnel and contractors that are onsite.

We service the SNWA system, which is used to pump, treat and deliver water from Lake Mead in and around the Las Vegas Valley. The CRC owns some electrical facilities that serve the Black Mountain Industrial Complex (BMI), near Henderson and provides service to the BMI complex. We also do service for the Clark County Water Reclamation District and deliver electricity to its main water treatment plant.

The CRC has emergency electrical assistance agreements for mutual assistance among the City of Boulder City, the Lincoln County Power District No. 1, Overton Power District and the SNWA. This is very similar to police and fire departments where they can call on each other in emergencies.

Our power delivery customers are shown on Slide 16 of [Exhibit F](#). In summary, the CRC owns, operates and maintains electrical facilities that are critical to health and human safety. Assembly Bill 11 will help to ensure the safety and reliability of the CRC's facilities and the safety of the CRC's personnel and contractors.

SENATOR HAMMOND:

Slide 3 of [Exhibit F](#) explains the vertical and horizontal restrictions that are already in place. In the second part of your presentation, it states why you fit into the category and justifies the bill because you have all the requirements we associate with the power company. Am I right, that you are not adding more restrictions and the CRC wants to be included in the statute?

Ms. HARKINS:

That is correct. We are not changing or making any request to change what is already in statute. We are only requesting to add our facility to the critical facility definition.

SENATOR HAMMOND:

To be sure, I am clear, when you talk about horizontal, you are stating an unmanned aerial vehicle can fly above the transmission wires, but it has to be 500 feet or higher.

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MS. HARKINS:

Yes, they can go over and around, the vertical is 250 feet over, and the horizontal is 500 feet around.

MR. CALLAWAY:

The Las Vegas Metropolitan Police Department is in support of A.B. 11.

CHAIR MANENDO:

We will close the hearing on A.B. 11. Seeing no public comment and no further business before this Committee, we adjourn at 9:27 a.m.

RESPECTFULLY SUBMITTED:

Tammy Lubich,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	4		Attendance Roster
A.B. 17	C	1	Sean Sever / Department of Transportation	Written Testimony
A.B. 17	D	1	Reid Kaiser / Department of Transportation	Written Testimony
A.B. 17	E	2	Richard P. McCann / Nevada Association of Public Safety Officers	Proposed Amendment
A.B. 11	F	18	Jayne Harkens / Colorado River Commission of Nevada	Presentation