

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eightieth Session
April 4, 2019**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 12:35 p.m. on Thursday, April 4, 2019, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Daniele Monroe-Moreno, Chair
Assemblyman Steve Yeager, Vice Chair
Assemblywoman Shea Backus
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Richard Carrillo
Assemblyman John Ellison
Assemblyman Glen Leavitt
Assemblywoman Rochelle T. Nguyen
Assemblyman Tom Roberts
Assemblyman Greg Smith
Assemblyman Howard Watts
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27
Assemblyman Al Kramer, Assembly District No. 40
Assemblywoman Maggie Carlton, Assembly District No. 14
Assemblywoman Susie Martinez, Assembly District No. 12
Senator James Ohrenschall, Senate District No. 21



STAFF MEMBERS PRESENT:

Michelle L. Van Geel, Committee Policy Analyst
Jessica Dummer, Committee Counsel
Lori McCleary, Committee Secretary
Alejandra Medina, Committee Assistant

OTHERS PRESENT:

William Brewer, Executive Director, Nevada Rural Housing Authority
Stephen Aichroth, Administrator, Housing Division, Department of Business and Industry
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities
Craig Stevens, Senior Manager, Government and Regulatory Affairs, Cox Communications, Inc.
Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce
Janine Hansen, State President, Nevada Families for Freedom
Joannah Schumacher, President, Gifted Minds With Too Little Time
Juanita Cox, representing Citizens in Action
Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers
Charles R. Hogue, Director, Government Affairs, Brotherhood of Maintenance of Way Employees Division, International Brotherhood of Teamsters
Andy Donahue, Market Representative, Southern Nevada Laborers-Employees Cooperation and Education Trust
Matthew B. Parker, representing Brotherhood of Locomotive Engineers and Trainmen
Ron Kaminkow, Private Citizen, Reno, Nevada
Jeff Proffitt, Business Manager, Local 88, International Association of Sheet Metal, Air, Rail and Transportation Workers
Don Campbell, Executive Director, Southern Nevada Chapter, National Electrical Contractors Association
Alfonso N. Lopez, representing International Association of Sheet Metal, Air, Rail and Transportation Workers
Mark Roberts, Legislative Representative, Brotherhood of Locomotive Engineers and Trainmen
Marc Ellis, representing Local 9413, Communications Workers of America
Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO
Thomas Bird, Private Citizen, Fernley, Nevada
Fran Almaraz, representing Teamsters Local 631 and Teamsters Local 986, International Brotherhood of Teamsters
Tom Morley, representing Laborers Local 872, Laborers International Union of North America
Sue Bird, Private Citizen, Fernley, Nevada
C. Joseph Guild III, representing Union Pacific Railroad

Nathan Anderson, Senior Director, Public Affairs-Corporate Relations, Union Pacific Railroad

Matthew L. Navarrete, General Attorney-Regulatory, Union Pacific Railroad

Rod Doerr, Vice President and Chief Safety Officer, Safety Department, Union Pacific Railroad

Brant Hanquist, General Director, Labor Relations, Workforce Resources, Union Pacific Railroad

Mark H. Fiorentino, representing Burlington Northern Santa Fe Railway Company

Miranda Hoover, representing Northern Nevada Development Authority

Nathan Tea, Youth Legislator, District No. 16, Nevada Youth Legislature

Robert Compan, Private Citizen, Las Vegas, Nevada

Lorrie Olson, Private Citizen, Reno, Nevada

Peewee Henson, Private Citizen, Reno, Nevada

Jeff Warner, Private Citizen, Reno, Nevada

Sam McCord, Private Citizen, Reno, Nevada

April Sanborn, Services Manager III, Division of Management Services and Programs, Department of Motor Vehicles

Jude Hurin, Administrator, Division of Management Services and Programs, Department of Motor Vehicles

Angela Dykema, representing Southwest Energy Efficiency Program

Tony Castagno, Analyst II, Public Affairs, Southwest Gas Corporation

Paul J. Enos, Chief Executive Officer, Nevada Trucking Association

Russell Rowe, representing Tesla, Inc.

Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association

Rudy Zamora, Program Director, Chispa Nevada

Christi Cabrera, representing Nevada Conservation League

Tess Opferman, Community Liaison, Office of Communications and Community Engagement, City of Reno

Debbie Martinez, Management Analyst III, Motor Carrier Division, Department of Motor Vehicles

Chair Monroe-Moreno:

[Roll was called. Committee rules and protocol were explained.] There have been some changes on the agenda since it was posted. Although Assembly Bill 465 is on the agenda, it will not be heard today but, instead, will be scheduled for next Tuesday. If you are here for that hearing, I apologize. There is still some work to be done on that bill.

Assembly Bill 465: Establishes provisions relating to solar energy. (BDR 58-872)

[Agendized but not heard.]

I will open the hearing for Assembly Bill 476 and welcome Assemblywoman Benitez-Thompson to the table.

Assembly Bill 476: Revises provisions concerning affordable housing. (BDR 25-1119)

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27:

I have my co-lead sponsor with me, Assemblyman Kramer, and I will let him introduce himself in just a moment. I want to let you know, we will be working today from the amended version of Assembly Bill 476 ([Exhibit C](#)). I believe we were late in submitting those documents, so if for some reason they are not on the Nevada Electronic Legislative Information System, please accept my apologies.

For the sake of time, we are going to be talking about two different things. We are going to be talking about the private activity bonds, and Assemblyman Kramer will explain to you what those bonds are and the good purposes they serve in Nevada. We will also be talking about the Advisory Committee on Housing and what our proposed legislation wants to do with both.

Assemblyman Al Kramer, Assembly District No. 40:

Nevada receives an allocation of about \$330 million worth of private activity bonds each year based on population. These have been coming to us for at least 12 years. There has been some discussion as to how long they will last—it was an item on the federal budget—and whether they will last. They are authorized next year and will probably continue. What these bonds do is allow companies to borrow money at a much lower interest rate, and the interest on the loans for the money being borrowed to be exempt from federal taxes. Some of the infrastructure at the Tahoe Reno Industrial Center was built with private activity bonds. Companies can perhaps now afford to start a factory for a lower monthly out-of-pocket cost than before. These bonds also apply to housing.

The nice thing about low-income housing projects is that if there is a private activity bond, it is usually coupled with an actual tax credit. There ends up being a 4 percent federal tax credit as well as the private activity bonds. If the housing projects qualify for one, they can get the other. By layering these multiple levels of support, a low-income housing project would now be affordable, whereas before it would not.

That \$330 million a year is split 50/50 between the cities and counties and the state. The state allocates about \$165 million, plus it allocates that which was not used by the local entities the year before. This bill talks about that \$165 million a year in private activity bonds. This is an arcane part of our financing for the state—many people do not know about it. It is worth asking the questions, but it can be significant when we are talking about housing.

Assemblywoman Benitez-Thompson:

We have heard a lot this session, and you will continue to hear, about how much the state has grown. This growth is really good and really meaningful. Having served during the Great Recession, having been out in the neighborhoods where I could count more foreclosures than occupancies of houses on a street, I can tell you we are all very grateful as Nevadans to be in the economic spot we are in. That growth now needs to transition into conversations that the public and local levels can have in ensuring housing and infrastructure are able to accommodate all that wonderful growth we have had.

What the bill is doing is two things: First, the Special Committee to Provide Advice on Private Activity Bonds exists in regulation, *Nevada Administrative Code* 348A.280. What we would like to see is a bright line on the private activity bonds and make this conversation more public and robust. We are proposing to bring this committee into statute and make it a private activity bond council. We list the membership in section 1, subsection 2. We are very much interested in keeping a good balance in the membership, but we also think it is important to add an Assembly member and a Senate member. We believe we can have a better discussion about community and state needs if we have a committee and council that exist in statute and the opportunity to be a part of the dialogue about how the state is moving forward.

These are substantial dollars we are talking about. Currently, there are conversations about how the federal designation of opportunity zones can be layered on top and work with private activity bonds, as well as the low-income housing credit. As the state moves forward into the next decade or two, we believe we need to make sure we have this public discourse in place. How the priorities for these bonds are being used is very important.

We are not going as far as some other states, such as Virginia. Virginia has very strong mandates about their private activity bonds and how they can be allocated, the amounts that can be allocated, and that they must first and foremost meet all the needs of the community housing before other private economic projects can be considered. We realize we need to keep the conversation fluid and open so there can be conversation about the many different kinds of needs. We want to make sure that the private activity bond group is talking about how opportunity zones will play into this, and we are always having that conversation on the other end of growth, which is the need for our infrastructure and housing.

We would also like to bring back into existence the Advisory Committee on Housing. Last session, we as a Legislature actually voted to get rid of this committee. I do not think it was on our radar that that was what we were trying to do. When this board went away, the place where we have a public dialogue about low-income housing needs and about how the low-income tax credit is used also went away. To former Assemblywoman Joiner's point, she was very vocal about this on the record and for some reason we failed to hear her. However, I hear her now. I think it is very important that we look at bringing this Advisory Committee on Housing back into existence.

We do need the committee to work better. You will see how we are proposing the composition of the committee by adding a legislator and by giving this committee a bill draft request to hopefully make sure their view on the community's housing needs can in some way be expressed, so this is not a conversation we are having when we are in crisis but that it can always be a proactive conversation where we have people gathered together in public discourse talking about community needs. With that, we will stand for questions.

Chair Monroe-Moreno:

Are there any questions from the Committee?

Assemblyman Wheeler:

I may have missed it when I went through the bill, but are the positions on the board paid positions? If so, where does the money come from?

Assemblywoman Benitez-Thompson:

The Advisory Committee on Housing would continue to exist as an advisory committee allowing for those who are non-state officials to be able to receive compensation for getting to the meeting. There is a flat fee that we give to members of the public or non-state officials. If it is a division employee attending a required meeting, it counts as part of his or her employment. That would be the intention.

It is the same for the private activity bond council. If you look at the composition of this council, it is the director of the Department of Business and Industry, the director of the Office of Economic Development in the Office of the Governor, one member from the Assembly, one member from the Senate, a member from the National Association of Counties and the Nevada League of Cities and Municipalities, and then local government finance. The only members who are not compensated are the members from the Assembly and the Senate. If you would like to propose compensation, I will not object.

Chair Monroe-Moreno:

Because there are freshmen on the Committee, could you explain why we got rid of this board in 2017 and the conversation around that decision?

Assemblywoman Benitez-Thompson:

I do have the meeting minutes from the Assembly Committee on Government Affairs where the topic was discussed [Assembly Bill 126 of the 79th Session, meeting minutes dated February 24, 2017]. Essentially, a recommendation was made to the Legislative Commission's Sunset Subcommittee on February 23, 2016, to contemplate removing the Advisory Committee on Housing. The Sunset Subcommittee is a commission we as a Legislature created to review boards and commissions to see if they are still relevant. Something you will figure out is, when we put a law in place, it exists in perpetuity until we undo it. Sometimes, if there is a law dealing with a time and moment problem, that law will still be on the books in 30 years. The idea of the Sunset Subcommittee was if things were no longer relevant, perhaps we could stop requiring quarterly meetings, et cetera.

The former director of the Department of Business and Industry recommended to the Sunset Subcommittee to remove the Advisory Committee on Housing. At that time, it was thought the committee was not working well. It was also thought the Housing Division of the Department of Business and Industry would be sufficient enough to have these conversations on community needs. To former Assemblywoman Joiner's point, she stated:

If the Advisory Committee on Housing goes away, how will the funds be administered? I suggest that the reason we have these committees, sometimes, is to have a public forum where public comment can happen. To do away with a committee like this will remove the public process. I was looking through the NRS and it says that this committee could do anything it is directed to do. I am wondering if it could be a forum to have the public discuss the issues we are facing.

She was talking specifically to the housing crunch in her district, Assembly District No. 24, last session. The response from the director of Business and Industry at the time was essentially that the Housing Division would have those conversations. And they do, and they do it well, but I think what we have realized is public input balanced with a department's input makes for a healthier, more robust conversation. That is what I want to get back to.

Assemblyman Ellison:

We have gotten rid of a lot of the smaller committees since 2015 and 2016. Did this committee fall into that group when we dissolved some of those committees?

Assemblywoman Benitez-Thompson:

If I am understanding you correctly, I think we are meeting the intent. The intent is, we got rid of something perhaps too hastily. We still have a need, the need is legitimate, and we would like to revise the committee that has the public conversations and empower them to actually do more by giving them a bill draft request so they have a vehicle where their conversations can continue in this legislative body.

Assemblyman Ellison:

I am wondering if it fell into the guidelines of the Sunset Subcommittee. I can understand why you are trying to bring this back, but we had so many committees that were dissolved. I think you were the chair of that committee, were you not?

Assemblywoman Benitez-Thompson:

Former Assemblywoman Bustamante Adams was the chair of the Sunset Subcommittee. I have previously chaired the Assembly Committee on Government Affairs, but not last session. I do not believe any other committees that were removed by the Sunset Subcommittee are being proposed to be brought back. I think in hindsight this is one that is still purposeful.

Chair Monroe-Moreno:

Seeing no further questions, I will open the hearing for those in support of A.B. 476.

William Brewer, Executive Director, Nevada Rural Housing Authority:

I want to express our appreciation to Assemblywoman Benitez-Thompson and Assemblyman Kramer for their work on this bill. We appreciate the awareness and attention they have brought to this important state resource. As the bill was originally drafted, there were some concerns that the proposed committees would slow or impede decisions made by staff. The proposed amendments [page 2, ([Exhibit C](#))] we believe and hope will correct those concerns. We need to fully vet the proposed amendments. We just received them, so we have not had a chance to fully vet or discuss them. We believe the amendments will adequately address the concerns expressed by several on the bill. With those amendments, the Nevada Rural Housing Authority would support A.B. 476.

Chair Monroe-Moreno:

Is there any further testimony in support? [There was none.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

Stephen Aichroth, Administrator, Housing Division, Department of Business and Industry:

The Housing Division is neutral on this bill. We want to be on the record that we are in support of the reestablishment of the Advisory Committee on Housing.

Wes Henderson, Executive Director, Nevada League of Cities and Municipalities:

I want to focus my comments on the private activity bond council. I believe this is a step in the right direction. I serve on the current Advisory Committee, and I think the makeup of this committee is an improvement. Private activity bonds are very important for many uses. We are continually urging our congressional delegation to maintain the tax exemption on these bonds. We have always been a little bit uncomfortable that one person in the state has the authority over \$300 million of bonding capacity every year. We think this puts some sideboards on that. We appreciate the fact that this bill will put it into statute and not just the regulations.

Chair Monroe-Moreno:

Is there any further testimony in neutral? [There was none.] Are there any closing remarks from the bill sponsors? [There were none.] I will close the hearing on Assembly Bill 476. I will open the hearing on Assembly Bill 344 and welcome Assemblywoman Carlton to the table.

Assembly Bill 344: Makes various changes to modernize the provision of cellular coverage. (BDR 58-838)

Assemblywoman Maggie Carlton, Assembly District No. 14:

I am here today to make opening remarks on Assembly Bill 344. This bill clarifies several important issues that are creating roadblocks to the installation and deployment of small cell antennae across Nevada. As most of you know, small cell deployment is critical in

improving cell phone coverage and is the key technology that will bring fifth generation (5G) service to our state. There is nothing more frustrating than when you pick up a cell phone and there are no bars. Hopefully, this bill will help.

While small cell can be deployed in many ways, this bill takes a very narrow approach and speaks only to the type of small cell that is placed on the strand of the video provider networks. Specifically, the bill clarifies who can use the strand for the purposes of hanging small cell antennae and clarifies the scope of what a local government can charge for such service. Finally, the bill ensures that all powers of managing the right-of-way remain with the local government and deploying small cell on the strand will continue to be a partnership between the local government and the video service provider.

I am no expert on this issue. I understand the basics. I have a person here who will walk you through the specific components of this bill—Mr. Stevens from Cox Communications, Inc. If there are no particular questions for me, I would like to be excused to do some other work. I would be happy to come back for closing statements.

Chair Monroe-Moreno:

I know you have a lot on your plate, so you are excused.

Craig Stevens, Senior Manager, Government and Regulatory Affairs, Cox Communications, Inc.:

Cox Communications is celebrating its twentieth year in southern Nevada. We are very proud to be there. We are the preeminent cable, Internet, and security service company in southern Nevada. We currently have over 1,600 employees, and we actually house one of the largest call centers of Cox in southern Nevada. We keep bringing folks there, and we are very proud of that. We are a pillar of the communities that we serve, even more so in southern Nevada. Our economic impact to the state is about \$1.8 billion. Our charitable arm has given over \$16 million to schools and other nonprofits. We have conserved over \$6.1 million in sustainable energy initiatives. As you can tell, we love being in southern Nevada, and we love our community. I want to make that very clear.

Before I tell you what Assembly Bill 344 is, I would like to tell you what it is not. It is not an omnibus small cell bill that wrests control away from local governments on how they determine the technology on their furniture. Assembly Bill 344 does not codify any Federal Communications Commission (FCC) ruling on small cell, nor is it the intent to cloak and dagger any FCC order into Nevada law that is currently being argued in court. The bill does not take any decision-making power away from local government. They have the right and the ability to determine their own process, looks, permitting process, and safety on small cell. Finally, Assembly Bill 344 changes no process that is currently in place in putting up small cell on property. In fact, this bill currently codifies the status quo in the communities we currently serve.

With that out of the way, I am happy to tell you what Assembly Bill 344 is. It is a bill that codifies another tool in the toolbox that will ultimately allow for better cell phone coverage for all users, open the door for the next generation of broadband speeds, lower latency, and will be at the forefront of the smart city movement here in Nevada.

What is small cell ([Exhibit D](#))? On the screen [page 2, ([Exhibit D](#))] there are two pictures. The image on the left is a cell phone tower. I think we have all seen these before. I chose not to use the one that looks like a pineapple. This is the heartbeat of cellular service. Each site can provide cell phone coverage for several miles and can serve thousands of users at a time. However, as southern Nevada has grown and as the state has grown, the use of these towers is creating congestion because so many folks are trying to use them. Thus, this is hurting the customer experience. When your cell phone drops, it is very aggravating. In fact, when I go home every day, I know if I am on the phone at a certain spot, the phone will cut off. It is not necessarily because of congestion, it is because of the topography of the land. It is impossible for the cell phone tower that is there to service that area because it cannot get the service there.

One solution to help offload the congestion and topography issue is the creation of a small cell. That is the image on the right [page 2]. While they are small and not nearly as powerful as a cell site, the small cell is the answer to so many questions and headaches to poor cell phone service. Companies such as Cox have worked hard with local government to begin deploying these sites across southern Nevada. Many other folks are doing it across the state.

I mentioned smart city initiatives earlier because that is really key to the deployment of small cell. The coming of 5G cell phone service could change the way government serves its citizens. From automated cars to making more efficient waste management routes, none of this can be done without the iteration of small cell into a 5G service.

Most small cell sites are on government-owned property, such as the one you see here in Las Vegas [page 2]. The industry has gotten so good at placing small cell, I bet you would never even know the device is there. I imagine, looking at that pole, you probably have no idea where the small cell is. If you look at the top part of the main pole, that is it. The antennae and the power are just below. Cox works very hard in working with the cities and local governments to make sure the aesthetics are as good as possible and it is hidden as much as possible as well.

Basically, Assembly Bill 344 does not change anything when it comes to putting devices on local government furniture. Again, we want to make that clear. Local government can charge what it feels necessary for rent as companies use their own property. We have no intention of changing this at all. It is important to know that small cell can also be hung not just on local government furniture, but also on buildings. It is the preferred method to go on government furniture, but there are options to hang them on buildings or, in our case, our own strand.

What is a strand? This picture [page 4 ([Exhibit D](#))] is of a telephone pole. The strand is the wires that go between the telephone poles. Our strand is actually a pretty flexible tool. Many technological devices can be put on the strand, not just small cell, but mesh Wi-Fi networks and ShotSpotters. A ShotSpotter is a device that can actually detect gunshots. Once a shot is heard, it uses GPS to determine where the shot came from, the caliber of the gun, and many other details that are critical in keeping the public and law enforcement safe. All this can be done on the back of Cox's robust broadband network. This is one of the benefits of being in the right-of-way, that we can do these types of things with the technology of our strand.

However, we are allowed the right-of-way because of a law that was passed in 2007, which is a state franchise agreement. For the privilege of being allowed in the right-of-way, we pay a 5 percent franchise fee on all of our cable services to local government. We pay this to different local governments, so if we have a strand in Clark County, we pay the fee to Clark County and all the way through. Thirty years ago, the federal government weighed in on the evolution of cable services and providing telecommunication services. Congress made it clear that the franchise fees had to be capped at 5 percent and are only to be paid on cable services, even though more telephone services are being offered by the industry.

I would like to talk about current practices. At Cox, we actually have the ability to hang small cell on our strand. This is a picture [page 5] of a small cell device on the strand. You have probably seen other devices on the strand, such as amplifiers. To make it clear, we are not a wireless company. We simply place the small cell on our strand at the request of our customers. Those customers are AT&T, Sprint, Verizon, and T-Mobile.

There is a huge benefit to being on the strand. First, it does not clutter up the right-of-way. We have so much technology now in our right-of-way. I am sure as you drive down the street you see plenty of different antennae and poles. One of the options to declutter the right-of-way is, of course, to go on the strand if it is available. The construction of a small cell is significantly less than it would be on government property, so it is not as big an inconvenience to motorists and commuters when the construction is going up. A pole may simply not be available, or someone else is using that pole, so having more options is a good thing. If the ultimate goal is to provide better service, we should look at all of our options so a customer for one of the cell phone companies is not held out to dry.

However, it is also more efficient energy management because the strand is already powered. We already have a deal with NV Energy for that power. Honestly, it is also less of a burden on local governments because we handle it and it is our property, so there is less they need to do for it.

I know I have talked a lot, but I wanted to give the Committee as much background as possible so when we discuss the bill, it makes sense. There has been confusion about hanging on our strand and hanging small cell on government furniture. In addition, some clarification is needed on defining the work. Deploying small cell honor strand has been

somewhat of a struggle, and Assembly Bill 344 helps solve these problems through a very narrow approach. Again, I would like to stress narrow.

There is a bill and an amendment ([Exhibit E](#)) that you see before you today which are the products of many hours of discussion and cooperation with our local governments. I must point out how much we appreciate the hard work of our local governments and partnering with us in helping to refine this bill. It is exactly what is needed and no more. For discussion today, I will be working off the amendment as provided to you on the Nevada Electronic Legislative Information System (NELIS).

I spoke with Chair Monroe-Moreno and asked her how she would like me to move forward, so we are going to do a very brief overview of each section of the bill. There are only six short sections.

In order to narrow this bill even further, we have moved the bill from *Nevada Revised Statutes* (NRS) Chapter 707, which is the telecommunications section, to NRS Chapter 711, which is the video service section. This is only allowable with a video franchise. We feel this is fair because we already pay a 5 percent franchise fee to be in that right-of-way. We are still in conversations with the Legislative Counsel Bureau to be allowed to move to that chapter. We believe it is germane and we should be able to do so. If not, there are other ways to do this where we could talk about NRS Chapter 711 in NRS Chapter 707.

Section 3 has been an issue with one of our local governments when it comes to our affiliates. For accounting purposes, we make sure we have Cox Communications and then we have a wholly owned subsidiary doing most of the wireless for these small cells to make sure everything is separated. That makes it a lot easier for accounting and for us. There was some ambiguity in the law that would not allow an affiliate of ours to use the property of Cox Communications. We had to make sure we defined affiliate, and again, we did it in a very narrow fashion where, if it is a wholly owned subsidiary, they would have those rights. That will come later in the bill.

Section 4 defines a wireless device. It narrowly defines that it has to be installed by the video service provider on property owned by the video service provider. This means not just anyone can hang something on our strand. It has to be our own folks doing it to our own strand.

Section 5 is very important. In subsection 2 it requires us and any other video service provider to follow all the rules and procedures, not just of the federal government, but local government as well to make sure we are doing this in a safe fashion. Section 5, subsection 3 deals with the franchise agreement. Basically, it states the political subdivisions cannot expand the franchise fee for these deployments. Subsection 4 is the requirement that states we or any other video service provider would have to pay any permitting fees, encroachment fees, and any other permit fees local government requires of everyone else.

Finally, section 6, which is one of the most important sections in the bill, does not take any decision-making power away from local government. It specifically states that in section 6, subsection 2. Cox would have to follow whatever permitting process the local government would require. It makes us work within the aesthetic requirement of the local government, meaning we cannot paint a small cell red when everything else is gray. It would also ensure we are following every safety requirement of the city, which includes the weight distribution all the way to the radio frequency signal.

I cannot stress enough that this bill does not take any decision-making away from the local government. We feel we are a partner with local government. We feel our relationship with elected leaders and staff is second to none. This bill does not shirk our responsibility in following their direction in the management of the right-of-way. In the end, this bill lifts barriers that will inevitably lead to better service to our communities, which is really the ultimate goal of our local governments, wireless carriers, and Cox Communications—better service to enable human connections from all over the world. I would be happy to answer any questions the Committee may have.

Assemblyman Leavitt:

Some, maybe all, cell towers are shared by multiple companies, whether they are affiliated with each other or not. Is there a process to allow for a non-affiliate that provides video or cell service to be able to use the strand, either currently or in the future?

Craig Stevens:

When companies go on furniture, there is the ability to put up more than one antennae. However, when it comes to our strand, it is at the request of our customers, and I do not believe we have that ability just yet. We tried to keep it as small as possible. Customers will come to us and tell us where they need better cell phone service. We would then put that small cell up for them. I can certainly ask our technical folks and see if we could put another antennae up there, but to my knowledge, I do not believe we can have two.

Assemblyman Smith:

Is this bill industrywide or Cox-specific?

Craig Stevens:

This is industrywide in the sense that anyone who has a video franchise can do this. If they do not have a video franchise, they would follow the wireless agreement they would have with the local government.

Assemblyman Ellison:

Do you see this reaching out across the whole state, not just the larger cities?

Craig Stevens:

Small cell is actually one of those things that can help get rural communities better service. We are working with our customers to try to do that expansion. However, even just nationwide, small cell is going to be a solution. I know T-Mobile has a solution where using

small cell with their bandwidth is going to provide better service. It is really about the capability of taking this small cell and getting some of the congestion off the tower and also cooking it into the broadband network. This is a solution that does work for rural areas, and I know it is a priority of many of our customers in the wireless industry. I do not want to speak for them, but I know in my conversations with them that is true.

Assemblyman Ellison:

You mentioned the 5 percent franchise fee. Many of the poles are owned by NV Energy. Do you have a contract with NV Energy to use those poles?

Craig Stevens:

That is exactly right. We have a good relationship with NV Energy and that is how we get on those poles.

Assemblyman Ellison:

Is that a double charge, meaning the 5 percent fee and a pole charge?

Craig Stevens:

I apologize, I do not know the answer to that question. It is not really a double charge because we are paying the franchise to local government, and then we pay whatever we would need to pay to be on the pole as well. It is not government double charge; it is just the transactions we would have to do in order to get on that pole.

Assemblyman Carrillo:

My question is regarding the space between the small cell devices. They talk about 500 feet apart. Is it based on need? In other words, are we going to see these popping up all over Las Vegas, or is it going to be based on the need for better reception?

Craig Stevens:

The preference in most of the wireless agreements we have is that it goes on government furniture. We do have customers who want to go on our strand because they do not have access to that government furniture. In the last three years, I believe we have eight sites. This is not going to be a huge number of sites. There are not going to be hundreds of them. It is a particular instance where they cannot get where they need to go and we have a strand. Again, it is another tool in the toolbox.

Assemblyman Yeager:

How exactly is 5G different from what is in operation now? What does it do that changes the calculus? We have heard a lot about 5G and that 5G is coming, but I am not sure I understand how it actually works.

Craig Stevens:

I am not an expert on 5G or the technicality of it. I do know it is a better iteration of what we currently have. What you will see is the ability to have more information go through the bandwidth as well as having it go faster. There may be some folks in the audience who could better answer that question. If you look at the difference between third generation and fourth generation, it was significant. I think that is the iteration as I can best describe it.

Chair Monroe-Moreno:

Seeing no further questions from the Committee, I will open the hearing for those in support of the bill.

Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce:

The Las Vegas Metro Chamber of Commerce would like to offer its support on A.B. 344. We believe this bill will provide better cell phone service, result in better customer and consumer experiences, and support smart city initiatives in Nevada through the use of small cell.

Chair Monroe-Moreno:

Is there anyone else who would like to testify in support? [There was no one.] Is there anyone present who would like to testify in opposition to the bill?

Janine Hansen, State President, Nevada Families for Freedom:

Unfortunately, I did not have the opportunity to review the amendment that was on NELIS, and I did not see any copies here, so I will be speaking to the bill. My concern is over the issue of 5G. We know this is profit-driven, and I am in favor of profit; however, there is a lot of money involved. The biggest new market is in 5G and promoting it. I have considerable concerns.

Fifth-generation cell towers are more dangerous than other cell towers for two main reasons. First, compared to earlier versions, 5G is ultrahigh frequency and ultrahigh intensity. Second, since the shorter length millimeter waves used in 5G do not travel as far or through objects, with our current number of cell towers, the cell signal will not be as reliable. To compensate, many more mini cell towers must be installed, and it is estimated they will need a mini cell tower every two to eight houses. This will greatly increase our radiation exposure.

With radiation, how close the source is to our physical bodies is more important than the power level or wattage of the radiation. Radiation dissipates with distance. In other words, low-powered exposure right next to someone is more dangerous than more powerful exposure a long way away. There have been considerable studies about this. There is an organization of 250 doctors who have submitted a petition to the United Nations and the World Health Organization expressing their concerns about the health effects, especially of 5G. These are peer-reviewed studies and research regarding the problems with electromagnetic fields. They include cancer. A story this morning on CBS national news

stated a cell tower was removed from an elementary school where one boy developed kidney cancer and another developed brain cancer. Other children also had cancer. They removed the tower because of the concerns of the parents about the cell towers causing cancer. Other problems involve unborn babies and sterility.

We are concerned that local communities may not have the opportunity to determine they do not want 5G cell towers in their area with this bill. I think that is what it does. I have not seen the amendment. I think people should be able to speak on this. We all want faster communications and we are used to it instantaneously. However, there are prices we have to pay for this. In fact, I remember one day before all the laws passed about using a cell phone while driving; I was driving home while talking on the phone. By the time I finished my conversation, I had a headache. I know that was caused by the radiation from the cell phone. That was my personal experience and I do not do that anymore, and of course, I did not do it after the law was passed.

We need to be careful as we move forward into technology that we are providing safeguards for individuals who are sensitive to these things. I know when I see my doctor, I always seem to be toxic from some kind of radiation. Maybe everyone does not get that toxicity like I do, but I think it impacts our health and we should be cognizant that there are many benefits from technology, yet there are some risks which we may not be aware of. To expand this worldwide, they expect the profit to be \$51 billion in the industry. There is a lot of money behind this. Not that I am against money. I am always in favor of money, but I think it is important to recognize that we have to balance that with our health concerns.

Joannah Schumacher, President, Gifted Minds With Too Little Time:

I am concerned about this bill. It seems to open the door for abuse. Both megacorporations and unfriendlies can hack and use these towers. The frequency band that they will be using has been used for crowd dispersal, so we know there are clearly some adverse uses. It can also be used to 3-D map homes, which could be abused by the megacorporations as well as the unfriendlies. This frequency penetrates homes and concrete structures much more easily. It is an invasion of privacy that could be used and sold. As we know, there are those who are selling our information all the time.

My biggest concern is that Lloyd's of London—which is an insurance company that backs up other insurance companies—has put in its policies that it will not cover anything related to radio frequency technologies. They will not cover house fires or medical expenses. Where Lloyd's leads, all the insurance companies follow. Who is going to indemnify these people who are going to be affected in one way or another?

In Reno and Sparks, when the smart meters were placed on homes, we had numerous house fires. Reno and Sparks fire chiefs brought up their concerns. When we brought that issue to the Public Utilities Commission of Nevada, they asked the State of Nevada fire chief to do an investigation. He investigated one fire in Las Vegas. Las Vegas had not even complained about what was going on. How is that protecting us? It is important that we have the ability to address our grievances with our local governments. I think this new proposal is going to

hamper that. As a matter of fact, I am basing this on what I have read here and, like Ms. Hansen, I have not seen the amendment yet. It appears they really are basically saying we cannot fight this. That is not right. We should have the ability to contact our local governments and ensure we are protected in some way.

Chair Monroe-Moreno:

The amendment is up on NELIS, and some of your concerns are addressed in the amendment. I do have one question for you. You said something about crowd dispersal and other issues. Do you have any literature with you that you can share with Committee that we can look at later to back up what you just put on the record?

Joannah Schumacher:

I did not bring that with me, but I would be happy to email that to you directly.

Chair Monroe-Moreno:

If you would email that to our committee manager, that would be wonderful.

Juanita Cox, representing Citizens in Action:

I, too, did not see the amendment to the bill, so that may change what I am telling you. Today I am going to talk about three words: unknown; unhealthy; and unacceptable. I do oppose A.B. 344. This prohibits people from challenging technical things. It stifles our voices. It stifles the voice of people who are harmed by this. This is not new. I fought it for three years in Reno. That was prior to always fighting against cell towers. I also fought against smart meters for similar reasons.

During the three years I was fighting the cell towers in Reno, the federal government quickly put in a telecommunications act that stifled me completely. It took away my voice and everyone else's voice, which is our First Amendment right, to discuss any harmful effects of the radiation and microwaves. When you see those beautiful palm trees or the pine trees around those cell towers, I got the aesthetic part. At least they allowed us to do that. When you look at those things, know that society, disease, tumors, radiation, cancer, and sterilization are now beautified.

If any Democrats or Republicans vote for A.B. 344, you are in agreement with our President. President Trump thinks 5G is just fine. This is a historic day. I am a Republican and I do not agree with my President.

This is a real problem with privacy, as are the cell towers and the smart meters. All of this is getting into our privacy. There are plenty of studies. I did not bring those studies, but you will be getting everything. People can die from this. Lloyd's of London and health studies that are absolutely proven now. You can look at cells that are dying within just a few seconds or minutes after getting near a 5G tower pod. This is unacceptable. Please oppose A.B. 344.

Chair Monroe-Moreno:

Is there any further testimony in opposition? [There was none.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any closing statements from the sponsor?

Assemblywoman Carlton:

I would like to congratulate the folks who worked so hard on this bill. We all know when someone brings a bill and asks us to work on it, we tell them to talk to everyone this might affect and see if they can get it worked out. There was a bit of opposition, but I do not believe that is something we could have addressed. Thank you for hearing the bill, and I would be happy to stand for any questions.

Chair Monroe-Moreno:

Are there any questions from the Committee? [There were none.] I will close the hearing on Assembly Bill 344. I will open the hearing for Assembly Bill 337.

Assembly Bill 337: Revises provisions governing railroads. (BDR 58-957)

Assemblywoman Susie Martinez, Assembly District No. 12:

I am pleased to present Assembly Bill 337 for your consideration. Assembly Bill 337 is a public service measure related to railroads ([Exhibit F](#)). The bill has specified crew requirements for certain railroads transporting freight in Nevada and provides civil penalties for certain violations. The bill also requires vehicles to stop at railroad grade crossings for on-track equipment and repeals outdated provisions concerning employment protections for certain railroad employees. Currently, five states—Arizona, California, Colorado, West Virginia, and Wisconsin—have passed legislation requiring two-person crews on certain railroads transporting freight. Colorado was the most recent state to enact such legislation, with Colorado Governor Jared Polis signing the bill last month. This year, Nevada is one of more than a dozen states considering legislation that would require two-person crews on these trains.

Assembly Bill 337 is necessary for the safety of our rail workers and members of the public. Recent accidents in other countries offer support of this bill. In November 2018 a runaway ore train in Western Australia reached speeds of 62 miles per hour before being forcibly derailed. That train only had one crew member who had left the train to inspect an issue with the brakes. Thankfully, no one was injured in that crash.

In September 2018 a driverless TasRail train in Tasmania, Australia, was derailed after the train became unresponsive to remote control commands, including an emergency feature designed to make the train stop. Two pedestrians were injured by flying debris in that accident.

One of the worst accidents happened in 2013 when the brakes disengaged in an oil train in Quebec, Canada. The train was operating with a single-person crew when it derailed and caused a fire that killed 47 people and destroyed the center of the town of Lac-Mégantic.

I want to reemphasize that this is a matter of public safety, not only for railroad workers, but also for our communities. This is where Assembly Bill 337 comes in. I would like to provide a brief, section-by-section overview to describe what the bill does.

Section 1 requires any Class I freight railroad, Class I railroad, or Class II railroad for transporting freight which operates a train or locomotive in Nevada, and any officer of such a railroad, shall ensure that the train or locomotive contains crews of not less than two persons. The bill provides that this requirement does not apply to a train or locomotive engaged in helper or hostling services.

Section 2 provides that any railroad or officer of a railroad who violates these provisions is liable to the Public Utilities Commission of Nevada (PUCN) for civil penalties of \$1,000 for the first violation and \$5,000 for a second or subsequent violation within three years.

Section 6 repeals outdated provisions concerning employment protections for certain railroad employees.

I would like to turn it over to Jason Doering from the International Association of Sheet Metal, Air, Rail and Transportation (SMART) workers and Charles Hogue from International Brotherhood of Teamsters, Railroad Division, who will be able to answer any technical questions about the bill.

Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers:

The International Association of Sheet Metal, Air, Rail and Transportation Workers is an organization representing approximately 220,000 sheet metal and transportation workers, most of whom are employed in the freight and passenger-operating crafts. For the past 15 years, I have worked as a conductor and locomotive engineer for Union Pacific Railroad in Las Vegas, while also holding seniority on the Alaska Railroad. I am here today to copresent A.B. 337.

Over the past 30 years, train crews have been reduced from five to two, and during the same time period, our operating rules have grown more complex while trains and work assignments have gotten much longer. Instead of a one-mile train operating over 100 miles of track with five crew members, we now have trains exceeding three miles in length and traveling more than 300 miles in a single tour of duty with crews of two people. Longer trains and longer distances have created a far more challenging work environment, yet the carriers have opposed every effort to require two-person crews and have indicated a desire to move toward single-crew member operations in the near future.

Moreover, proponents of single-crew member operations claim that emerging technology, such as positive train control, eliminates the need for a second crew member. Not only is this false, it potentially nullifies the safety benefits of emerging technology which is maximized when implemented in conjunction with well-trained frontline workers. The reality is a single crew member cannot perform his or her tasks, maintain the highest levels of safety, and respond appropriately in the event of an emergency, regardless of technology.

In July 2012 the Federal Railroad Administration (FRA), U.S. Department of Transportation, released a report on the cognitive task analysis of conductors that indicated conductors and engineers on freight trains work together as a team and support each other's decision-making processes for the safe operation of freight. Separate and apart, the locomotive engineer is guiding the train over the road while the conductor manages train consist and makeup; checking speed, signal indications, and engineer alertness; interacting with non-crew members such as dispatchers and roadway workers; diagnosing and responding to train problems; and managing the crew's paperwork.

One of the most important safety aspects that operating crews work together on is combating fatigue, a top safety issue in the railroad industry. Employer practices, including mandated long shifts and entirely unpredictable work schedules, lead to a fatigued workforce, which has a direct and negative effect on safety. A second crew member will help both employees stay alert and provide an essential backstop against the mishaps that can occur when memory or judgment is affected by chronic fatigue. Limited redundancy is also needed to maintain safe operations in the event that the other crew member should become injured or incapacitated, a fact that is recognized by the Federal Aviation Administration, U.S. Department of Transportation, as it prohibits cockpit crews of less than two pilots. Additionally, the second pilot is responsible for monitoring the safe operation of the flight and ensuring that all procedures are followed completely and correctly.

Furthermore, it should not go unnoticed that our sister industry, aviation, despite its extensive cutting-edge technology, safety engineering, and planes that can and do fly themselves, still maintains two-person crews as the law of the land. Given that passenger trains can carry many more people than airplanes, and freight cars carry some of the most deadly and destructive chemicals known to man, the standard for the rail industry should be no less.

While two-person crews are the norm on U.S. freight lines, crew size is often an issue that the railroads would like to determine only during the collective bargaining process and not by government mandate. Crew size is a core safety issue. Maintaining safe operations and ensuring workplace safety benefits us all and should not be used as chips in broader labor-management negotiations. More to the point, not all rail workers have a union voice, and smaller, nonunion railroads can put one-person crews out on the tracks, not only jeopardizing safety but also setting a dangerous, competitive trend that larger railroads will seek to follow. In fact, the Class I railroads have tried to bargain away this issue, underscoring the need for this legislation.

Rail operations are safer today because of important capital investments and a dedicated workforce. We find it ironic that instead of recognizing this fact, the railroads are advocating a policy that would give them the ability to downsize this workforce and expose communities to avoidable safety risks in our freight network.

Survey results released by SMART Transportation Division ([Exhibit G](#)) and the Brotherhood of Locomotive Engineers and Trainmen show that voters in Nevada overwhelmingly side with the passage of regulations that require freight trains to be operated by crews consisting of a minimum of two people. After being asked questions and given information on railroad safety, a staggering 89 percent of respondents to a phone survey conducted January 28-31, 2019, said they would vote for a two-person rail crew law in the interest of keeping their community safe [page 6, ([Exhibit G](#))]. Just 13 percent of survey respondents had known that just two people serve on freight train crews while 57 percent thought that three or more people operate a train [page 5, ([Exhibit G](#))].

In closing, it is absurd to argue that such a massive piece of equipment can be safely operated by one individual, especially given the many tasks for which at least two people are needed in order to operate a freight train and the myriad of Federal Railroad Administration regulations and railroad operating rules that must be followed. More must be done to ensure the protection of hardworking rail employees and all Nevadans from the dangers that one-person crews pose. [Written testimony was also submitted ([Exhibit H](#)). Also submitted were ([Exhibit I](#)), ([Exhibit J](#)), and ([Exhibit K](#)).]

**Charles R. Hogue, Director, Government Affairs, Brotherhood of Maintenance of Way
Employes Division, International Brotherhood of Teamsters:**

Thank you for the opportunity to testify before you today on an important public safety issue for motorists, pedestrians, and the men and women who work on our railroad tracks in Nevada and throughout the country. I appreciate the Committee leadership in hearing this bill and the provisions within it for a public hearing. I am here to specifically address adding on-track equipment to the circumstances that a motorist must stop at a railroad crossing, a public safety awareness initiative.

Under current Nevada law, maintenance of way on-track equipment is not included in the prohibition concerning a motorist's responsibilities when approaching a crossing. It is critically important that when the gates are down, when a train is approaching, or a flagman or a stop sign, et cetera, is present, that motor vehicles stop at a safe distance from a railroad grade crossing.

Assembly Bill 337 would update existing railroad crossing laws pertaining to motorist responsibilities of railroad crossings to reflect the development of train-like on-track equipment traveling on Nevada's and our nation's railroads ([Exhibit L](#)). Currently, maintenance of way on-track equipment, railroad contractors' on-track equipment, and other railroad on-track equipment are not included in the state statutes that mandate motorists' responsibilities when approaching a crossing.

The issue is that on-track maintenance equipment has been developed into "train-like" machines that present the same dangers of a train engine or train engine pulling cars of not being able to stop within a reasonable distance. It is imperative that if motorists see the approach of an on-track piece of equipment, they stop at a safe distance from the grade crossing until it is safe to proceed, exactly as they would if it were a locomotive or locomotive coupled to and pulling railroad cars.

While most members of the public understand that trains occupy the tracks in their respective neighborhoods, not everyone is aware of the on-track maintenance and construction machines that travel on the track infrastructure in Nevada.

Pertaining to the crossing safety piece of this proposed legislation, similar legislation has passed in 22 states including California, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Montana, Nebraska, North Dakota, Oregon, Tennessee, Virginia, Wisconsin, Washington, South Dakota, and Wyoming. There is currently active legislation in several other states, including Connecticut, Kansas, Ohio, Minnesota, North Carolina, Alabama, Missouri, New Jersey, and Pennsylvania, plus this bill in Nevada.

Amending and updating the current state statute will improve public safety by clarifying that there are other types of equipment that travel on railroad tracks that present the same dangers to motorists as trains. The passage of this bill will help to educate the public on this fact.

Thank you for the opportunity to testify before you today. I am happy to answer any questions when the time comes. [Written testimony was also submitted ([Exhibit M](#)).]

Chair Monroe-Moreno:

Are there any questions from the Committee?

Assemblyman Roberts:

Are crew sizes dictated in current collective bargaining agreements?

Jason Doering:

Yes, we do currently have collective bargaining agreements that are in effect.

Assemblyman Roberts:

Do the collective bargaining agreements cover crew sizes?

Jason Doering:

Yes.

Assemblywoman Backus:

As many of you may know, my husband is an airline pilot. I just want to clarify that for the air industry, the size of crews is set forth in the Federal Aviation Regulations, but not for the rail industry. Is that correct?

Jason Doering:

Yes. There is a requirement to have a pilot and a copilot on all commercial airlines.

Assemblyman Carrillo:

Sections 4 and 5 talk about the on-track equipment. Can you describe one piece of on-track equipment?

Charles Hogue:

I will talk about a Brandt railroad truck, which is a semi-style truck. It is a huge flatbed that rolls down the highway about 60 miles per hour. It has a crane attached to it. It is equipped with high rails so it sits over the top of the railroad tracks, sets the high rails down, becomes a metal wheel or metal rail vehicle, much like a train. It has train brakes and it has couplers. It couples to railroad cars. It can pull up to 3.5 million pounds. Obviously, it has the same difficulty in stopping as a train does.

Assemblyman Carrillo:

Throughout the state of Nevada, how many railroad crossings are there?

Charles Hogue:

To my best recollection, I believe there are about 257 railroad grade crossings. Union Pacific Railroad may have a better number than I do. I would add, in the greater Las Vegas area alone, there are between 50,000 and 80,000 motor vehicles a day that go across railroad crossings.

Assemblyman Leavitt:

When you were giving your presentation, there were no incidents mentioned that were actually in the United States. Have there been any incidents or accidents in Nevada that would have been prevented had a two-person crew been on the train?

Jason Doering:

No, there have not been any incidents in Nevada. But certainly there have been instances that have definitely been helped by having two people on a train in emergency situations. Having that conductor, engineer, and sometimes a brakeman on the full crew has definitely mitigated some of the potential risks we do face.

Assemblyman Leavitt:

Section 2 of the bill has some language that was struck out and now states, "Any railroad or officer of a railroad." You struck out "company," but then did not define "railroad." Just the word "railroad" is ambiguous. I am not in the business, so maybe it is my own ignorance. Who does "officer of a railroad" include? If the supervisor on duty decides to make an arbitrary decision not to have a two-person crew on the train and something then happens, is the supervisor responsible for no less than \$1,000 for the first offense and no less than \$5,000 for the second?

Jason Doering:

In section 2 when it states "officer of a railroad," that is describing management. I suppose that would be up to the PUCN how the fine would be established.

Assemblyman Leavitt:

Who is defined as an officer of a railroad and what is the definition of railroad? Is it the railroad company? Should we include "company" in the language?

Jason Doering:

Railroad is defined as the Class I railroads that we do have in the state, which is Union Pacific Railroad. We do not have any other railroads that run through Nevada other than Amtrak in the north, which is a passenger line. As far as "officer of a railroad," that would define a manager who supervises and could potentially hop on board and holds certification to operate the train.

Assemblywoman Bilbray-Axelrod:

Many of my colleagues and I have talked about this and we realized we have train tracks that go right through our districts. When I start thinking about trains that are two or three miles long, it is incredible to me that there could be just one engineer on that train. We have also had a lot of discussion recently about some hazardous materials that are going through the heart of Las Vegas to a certain mountain outside of Las Vegas. Could you give me some other examples of hazardous materials that are going through the city?

Jason Doering:

The manifests are the property of Union Pacific Railroad. In Henderson we have a chlorine plant that is serviced by Union Pacific Railroad. We haul everything, even chemicals and materials that cannot be hauled on our highways. We do haul practically everything you could imagine, including explosives.

Assemblyman Wheeler:

You said there are only 5 states out of 49 that can be reached by railroad that have this in law now. Are any of our neighboring states included in those five?

Jason Doering:

Currently, California and Arizona both have two-person crews. Utah has introduced it, and Colorado has previously signed. Idaho has also introduced it, along with Oregon and Washington.

Assemblyman Wheeler:

If we have a train coming from Utah to Oregon with a one-man crew because it is not a Utah law to have a two-man crew, do they have to stop at the border and put on two men coming out of Utah, run through Nevada with two men, and when it gets to Oregon, they can stop and let the second guy off?

Jason Doering:

Unless the railroad would like to face the fine. Again, that is what we deal with on a daily basis. I am constantly what is called "deadheaded" out to my train to hop on in every stretch of mile of the 247 miles or 171 miles that I run on. I suppose if it did come to that, or if we did not have a federal regulation, then yes, that is correct.

Chair Monroe-Moreno:

When I drive across the country with my family, I stop at a hotel, take a break, and get up the next morning and drive some more. Or I have an adult in the car with me who helps drive. How long can that one crew member work on that train?

Jason Doering:

Our hours of service allow us to work 12 hours. We oftentimes exceed that, but we are not allowed to operate a train or perform any class of service after that 12 hours.

Chair Monroe-Moreno:

In that 12 hours, if your shift ends and you are in the middle of nowhere, can you tell us what happens?

Jason Doering:

Basically, we sit and wait. That happens very regularly.

Chair Monroe-Moreno:

I know the wait time can vary, but do you know what the average wait time is?

Jason Doering:

My average wait time lately has been excessive, up to 15 or 16 hours. I have been on duty for over 20 hours. It depends mostly on the crew transport company, but there are situations that the railroad cannot avoid. Oftentimes, it is poor planning.

Chair Monroe-Moreno:

From a safety standpoint, you have a 12-hour shift, and you may be stuck somewhere for more hours. Is it written anywhere that your relief had to have so many hours between shifts? When I worked in law enforcement, I could not go back on duty for so many hours because it was in our contract. Does your relief have to have been off duty for a certain amount of hours, or could your relief have worked a 12-hour shift, taken a nap, and then relieved you?

Jason Doering:

If we work up to 12 hours, we are mandated 10 hours off. It is not a regular schedule that we do get off. If I get off at noon, I will have rested by 10 p.m. and they can call me at 10 p.m. If I go to work for a normal 8-hour shift and tie up at 6 a.m., they can call me again 10 hours after that.

Chair Monroe-Moreno:

If a train is traveling into Nevada, the one engineer on that train who may have been on duty for 12 to 14 hours, once they got to our border, they would have to trade out no matter what, whether it was a one-man crew or a two-man crew. Is that correct?

Jason Doering:

That is correct. After our 12 hours, our lingo is "we are dead on our hours of service."

Assemblyman Yeager:

In section 2 regarding the civil penalties, to be honest, I do not think those civil penalties are high enough. It is \$1,000 for a first offense and then, basically, they could commit as many offenses as they want and it is just \$5,000. I am somewhat concerned that would just be a cost of doing business. It is not my bill, but I would ask if you would consider whether you might want to escalate those penalties in a more appropriate fashion. If there is something that happens as a result of not having a two-person crew—if someone is hurt or property is damaged—perhaps it should be a higher civil penalty if not a criminal penalty.

Assemblyman Roberts:

Are there one-man crew trains operating in Nevada now?

Jason Doering:

No, there are currently no one-man operations.

Assemblyman Roberts:

Are the rest times you described earlier covered by regulation or by the collective bargaining agreements?

Jason Doering:

Our rest times are by regulation.

Assemblyman Ellison:

I remember this bill from 2015. Utah and Idaho were trying to get the same bill through but never did. If Nevada does not have it and California does have it, when the train gets to Nevada, then someone has to get off. Is that correct?

Jason Doering:

That would be up to the railroad at that time. It would be called "deadheading" home.

Assemblyman Ellison:

One of the things you said is if you had to stop for some reason and there were two men on the train, the two men would still have to leave after the 12 hours, if the train were waiting for 12 hours to go forward, and both crew members started the shift at the same time. Is that correct?

Jason Doering:

If I am called on duty, I am usually called at the same time as the engineer or conductor.

Assemblyman Ellison:

If this bill passed and there were two conductors, you would both get on and off at the same time. If there are two guys sitting on the train for 12 hours, the company would have to have two more crew members in Utah in order to go forward. I will put it this way: how far do you go?

Jason Doering:

For me, from Las Vegas I travel 247 miles north to Milford, Utah, or 171 miles south toward Yermo, California.

Assemblyman Ellison:

Do you turn around and go back on the next train?

Jason Doering:

After my ten hours rest, yes. It is usually more than that; it is when the train actually comes.

Assemblyman Ellison:

If they have the electronic units they are considering to operate the trains across the nation and they are all electronically driven, would you still have to have a conductor on the train?

Jason Doering:

Are you asking if trains run autonomously?

Assemblyman Ellison:

Yes.

Jason Doering:

In my mind, to safely get a train across the road, I cannot envision a train being run without an engineer or a conductor.

Assemblyman Ellison:

I would hope so.

Jason Doering:

I do not see how a train could be run without crew members through close to 250 grade crossings, the amount of chemicals being hauled, and especially the terrain we have in Nevada. It is not flat terrain. In fact, I run over some of the steepest grades in the entire country—over a 2 percent grade. I do not see how it could be run autonomously, let alone with one person.

Chair Monroe-Moreno:

Is running a train with one operator as opposed to two a safety decision or a profit margin decision? Is it for the bottom line—not having to pay two engineers—and is that causing a safety risk to the communities the train is traveling through, whether it is Las Vegas, Winnemucca, or Elko? Do you feel it is more of a safety issue or a profit margin issue?

Jason Doering:

Any reduction in crew, I believe, would be solely out of profit. This is not a collective bargaining bill or a labor union bill. This is truly a public safety bill.

Chair Monroe-Moreno:

Seeing no further questions, we will go to testimony in support, opposition, and neutral. Since there is a large number of people wanting to testify on this bill, I have a timer. Please keep your comments to two minutes. When you hear the timer go off, please be respectful so we can move on to the next person. I will open the hearing for those wanting to testify in support.

Andy Donahue, Market Representative, Southern Nevada Laborers-Employees Cooperation and Education Trust:

In concurrence with the presentation we have all thoroughly benefited from, we are in support of the bill.

Matthew B. Parker, representing Brotherhood of Locomotive Engineers and Trainmen:

I am speaking on behalf of working rail transportation employees in Nevada who are concerned about our safety and yours. I ask you to refer to the "Presentation of Materials Supporting Testimony in Favor of Assembly Bill 337" ([Exhibit N](#)) that I submitted to this Committee regarding the risk born by the public relevant to the issue of freight train crew size for more detail. In brief, I would like to say that the railroad companies opposing crew-size legislation have been telling you how their railroads are safer than ever. It is my coworkers and I who, through our teamwork and professionalism, have achieved that record. Our knowledge and experience make us subject matter experts on the safe operation of trains, and we are here today to warn that if the railroads are allowed to proceed in forcing future reductions in train crew size, unnecessary deaths, injuries, and/or property damage will result.

Perhaps it will be a house in Carlin located on the opposite side of the tracks from the fire station burning while my train, which today is twice as long as the average train lengths seen at the beginning of my career, has broken down and is blocking every crossing in town. The employee who could fix the problem to get us moving again, or at least separate one of those crossings to clear a path for emergency responders, is no longer on the train. Perhaps it will be failing to mitigate a postderailment fire near Lockwood or North Las Vegas by moving additional cars with flammable material away from the scene, as was done in the high-hazard flammable train accidents in Casselton, North Dakota, and Graettinger, Iowa, because the employee needed to facilitate that move is no longer on the train. Perhaps it will be that the employee who could summon prompt assistance if I am suddenly stricken by a heart attack

or stroke while running a train across the Black Rock Desert-High Rock Canyon Emigrant Trails is no longer on the train and, therefore, I am left to die awaiting the arrival of an employee dispatched to drive out and determine why my train is stopped and radio calls are going unanswered.

Must we face catastrophe before we take this risk seriously? I hope we in Nevada can be better than that. I hope we can agree that safe enough is not enough. We should expect train operations in our state to be as safe as possible, and safe as possible means both implementing new safety technology and assuring that freight trains in this state continue to be operated by a crew of at least two professionals by passing A.B. 337. [Written testimony was also submitted ([Exhibit O](#)).]

[Assemblyman Yeager assumed the Chair.]

Vice Chair Yeager:

Thank you for your testimony. We will continue to take testimony here in Carson City.

Ron Kaminkow, Private Citizen, Reno, Nevada:

I am a locomotive engineer currently working in passenger service, and before that I worked in freight service for a number of different railroads in seven different states. I have operated on almost every Class I rail carrier in the country. I am going to have to veer from my script because I did not realize I was only going to have two minutes. I did submit a 3,000-word statement ([Exhibit P](#)). I do hope you read it. In that statement are basically ten rebuttals to the rail industry and those who do not believe this two-person crew legislation is important, relevant, or delegated to collective bargaining.

Please read the statement. I am not going to speak to the statement, but I would like to elaborate and answer some of the questions that were just asked. Assemblyman Wheeler asked a question about Oregon. There is no railroad that goes from Nevada into Oregon. They go from Utah through Nevada to California. If you wanted to detour around Nevada to avoid the two-person crew, the train would have to be rerouted all the way to Portland and then brought down. Arizona already has a two-person crew bill, so you cannot reroute there. It is a boogeyman—it does not exist—this idea that they would not run trains through Nevada because we have a two-person crew bill. All of the freight in Nevada is through-freight for the most part. It goes to California, another state with a two-person crew bill.

Assemblyman Leavitt asked for examples of where a two-person crew could have prevented a derailment or a train wreck. That is somewhat of an academic question, but what we do know is there are endless wrecks and endless vehicle strikes where, if there was not that second employee, myself twice in the capacity as a conductor and as an engineer, I do not know what I would have done without that second person on the train.

I have lots of other answers for three or four others, Assemblymen Ellison, Roberts, and the Chair, if I get a chance to address them.

Vice Chair Yeager:

We do have the letter you referenced ([Exhibit P](#)) uploaded to our website, so I will encourage members to read that if you have not already, as well as members of the public.

Jeff Proffitt, Business Manager, Local 88, International Association of Sheet Metal, Air, Rail and Transportation Workers:

Sheet metal workers and the transportation workers are the same union, although we obviously have different jobs. We always have the discussion about rural Nevada. I am from Overton and drive to Las Vegas every day. It is very impressive. I sit in Las Vegas at one of the lights and see those trains go by. I would like for you to get out of Las Vegas and see one of those trains stretched out.

The only story I would like to tell is that in 2014 we had a pretty major flood go through Moapa. It took out roughly about a mile of the highway. The guys who were sitting at this table—they do not like to pat themselves on the back—but one of them was on the train that took care of that train during the flood. The train was ready to derail, but he took care of it with a two-man crew in a pretty bad situation. It not only took out the highway, but it took out train tracks in the hills that no one knew about. My hat goes off to them. I would personally not want to be on a train without two people. I am a sheet metal worker, and I will stick to sheet metal. We are in full support of this bill.

Don Campbell, Executive Director, Southern Nevada Chapter, National Electrical Contractors Association:

As an association, we specialize in safety, and we see this as a safety issue. Unfortunately, most safety rules are written in blood. I teach my kids, and I was taught as a young boy, that we always have to look at the consequences of a mistake. If you are next to a cliff at the Grand Canyon, the consequences of tripping are dramatic. It would be quite different if you were in the middle of this room.

The consequences of a mistake on a train, when we talk about tons and not pounds, is an amazing issue to be concerned about. As a safety issue, we stand in full support of this bill.

[Assemblywoman Monroe-Moreno reassumed the Chair.]

Alfonso N. Lopez, representing International Association of Sheet Metal, Air, Rail and Transportation Workers:

I, too, am in full support of this bill. Again, this is strictly a safety issue for the citizens and the communities of the state.

Chair Monroe-Moreno:

We will take testimony in support from Las Vegas, then we will come back to Carson City.

Mark Roberts, Legislative Representative, Brotherhood of Locomotive Engineers and Trainmen:

I have personally been on four trains in the last six months where having the second crew member stopped three fatalities of running over a homeless person and one collision with a truck that was stuck on the tracks. The technology in place to prevent these types of things was malfunctioning on this specific train. The technology they have is not in a place to prevent any incidents. I would like to say for the record that I am in support of A.B. 337.

Marc Ellis, representing Local 9413, Communications Workers of America:

Obviously, we do not work on the trains, but we work on the telephone poles that are on the easements. That alone makes me want to have at least two members on every train, because it keeps my brothers safe as well.

Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO:

I will ditto the comments that have already been made by the other presenters. We are in support of this legislation.

Thomas Bird, Private Citizen, Fernley, Nevada:

I am not talking about trains because that is not my expertise, but I want to make a fair comparison. I spent 32 years as an electrical lineman, and we always ran in teams. We worked in all types of weather, 7 days a week, 365 days a year. For the life of me, I cannot imagine running a 1,000-ton train across Nevada with one guy. There have been many times when we had to split up for menial tasks, and more times than not, we probably could have gotten ourselves in harm's way easily going into backyards in the middle of the night, wires down in a tree, the tree energized, et cetera. We would have to watch where we were stepping. I cannot imagine what these folks are talking about here with potentially going to a one-man crew. To make this story short, I am in full support of A.B. 337.

Fran Almaraz, representing Teamsters Local 631 and Teamsters Local 986, International Brotherhood of Teamsters:

Engineers are part of the Teamsters organization. One thing no one has brought up today is the length of some of these trains. I do not know how many cars that would be, but I know many of them are over two or three miles long. To have one man responsible for that seems absurd. I could not imagine a train that long going through Las Vegas or through the north and having a problem. The person in front of the train may not know something is going on at a crossing two miles back. As a safety issue, mandating a minimum of two people to conduct a train is necessary.

Tom Morley, representing Laborers Local 872, Laborers International Union of North America:

We are in support.

Sue Bird, Private Citizen, Fernley, Nevada:

I would like to speak personally to a fear I have. I live in Fernley and there are two tracks that go by my house. I live probably less than three-quarters of a mile from those tracks. I see many tankers, and I do not know what is in them. I also live downhill. If there were any type of a gas that escaped from these trains, my life and my grandchildren's lives are between those tankers. For the lives of our people, I support this bill.

Juanita Cox, Private Citizen, Reno, Nevada:

Just sitting here listening, I realized I better support this bill. I cross a railroad crossing at least twice a day or more. I did not realize I should be in fear for my life. I definitely support this bill.

Chair Monroe-Moreno:

Seeing no further testimony in support, I will invite opposition to testify.

C. Joseph Guild III, representing Union Pacific Railroad:

I can help if there are any questions relative to the history of this issue in the last 35 or so years. I will introduce Nathan Anderson from Union Pacific Railroad and he will introduce three subject matter experts to talk about this bill. On a personal note, I would like to thank the Chair and the prime sponsors of this bill for the gracious way they treated me when I talked about the bill before the hearing.

Nathan Anderson, Senior Director, Public Affairs-Corporate Relations, Union Pacific Railroad:

Union Pacific Railroad is focused on safety. This focus on safety is born out, as we have just completed our fourth year in a row as the safest railroad in North America. In fact, our focus on safety makes rail safer than many other industries, including retail, grocery, construction, and mining, and that is why we wholeheartedly support section 3 of this bill regarding vehicles yielding to on-track equipment. We can demonstratively show that this section of the bill will produce safer results. However, we do not support sections 1 and 2.

We have a strong relationship with our union and we are partners in safety. Our success is necessarily mutual. We bargain a broad number of issues and the bargaining process allows those who know the work best to address it and how it will be done under what rules. In addition, there are a number of federal preemption concerns with the proposed legislation and the FRA ultimately holds jurisdiction in this matter. A patchwork of state regulations will impact safe, efficient operations and could make Nevada businesses less competitive.

I would like to address the survey that was referenced in earlier testimony [([Exhibit G](#)) and ([Exhibit H](#))]. Page 1 of that report [page 2, ([Exhibit G](#))] indicates that arguments by both rail management and rail labor were used in the survey. We were not engaged or consulted in that process, so I am not sure what rail management arguments were used. I would caution

you to find that out. I did read a longer version than what is here today, which is posted online, that referenced Amtrak, I believe, as one of the rail arguments. While factual that Amtrak has only one crew member in the cab, it is not, by any stretch of the imagination, the forefront of our argument. [([Exhibit Q](#)) and ([Exhibit R](#)) were submitted but not discussed.]

Matthew L. Navarrete, General Attorney-Regulatory, Union Pacific Railroad:

I am here today to express opposition to Assembly Bill 337 because it is preempted by three overlapping federal laws and the Commerce Clause of the *Constitution of the United States*.

Railroads have been subject to comprehensive federal regulations for over a century. This oversight leaves no need for Nevada to regulate crew size. The Federal Railroad Safety Act (FRSA) requires laws, regulations, and orders related to railroad safety to be nationally uniform to the extent practicable.

In 2016 the FRA issued a notice of proposed rulemaking on crew staffing levels. It is widely expected that the FRA will soon withdraw the rulemaking because the administrative process convinced FRA there were not sufficient safety justifications for intruding into this contentious economic issue between labor unions and railroads. The FRA's final decision on crew size does not need to take any particular form. As long as it is clear that FRA considered the issue and made an affirmative decision, this affirmative determination will preempt Assembly Bill 337.

Moreover, Assembly Bill 337 will not survive the analysis for Interstate Commerce Commission Termination Act (ICCTA) preemption, which gives the federal Surface Transportation Board, U.S. Department of Transportation, exclusive jurisdiction over economic regulation of interstate railroad operation. Any state laws that may have the effect of managing or governing railroad transportation are expressly preempted as well, as any state laws that place an unreasonable burden on interstate commerce will be preempted under "implied" or "as applied" analysis.

Consider the practical and cumulative impacts of other states that have enacted similar legislation. Railroads operate through almost every state. Operations will be substantially burdened if crossing each state line means that different crew size requirements will apply. [Written testimony was also submitted ([Exhibit S](#)).]

Chair Monroe-Moreno:

As legislators, one of our primary responsibilities is the safety and well-being of the citizens who live within our state. If this body makes a decision that we feel is in the best interest of our residents and puts safety limits on railroads or anything else that comes to our state, is it your testimony that we would be in direct violation of a federal law?

Matthew Navarrete:

What I am saying from the preemptive perspective is that Assembly Bill 337 is already addressed by a myriad of federal laws and regulations and the *U.S. Constitution*. I am not addressing your motive behind it; I am just saying there are a whole host of federal laws in the *U.S. Constitution* that address this subject and will ultimately preempt this law.

Chair Monroe-Moreno:

I am not going to argue. We will go on to the next person.

Rod Doerr, Vice President and Chief Safety Officer, Safety Department, Union Pacific Railroad:

Thank you for this opportunity to speak about safety. Safety is Union Pacific's No. 1 priority. We seek to ensure that every employee, inclusive of the 500-plus employees in Nevada, goes home safe every day. As a company, we continuously look at innovative approaches to enhance the safety of our employees, communities, and the customers that we serve. We invest significant resources in training, research and development, and public education, all with the goal to increase safety awareness and improve safety.

Please allow me to address one type of the incidents that we heard earlier today in testimony. Should there be a crossing incident or a circumstance where a pedestrian is struck on the tracks, an engineer would call for help by way of the radio to our dispatcher, who would in turn dispatch emergency services. If the train were moving at 55 miles per hour, it would take approximately one mile for that train to stop. It is very likely that the railroad's dispatcher will be able to get emergency responders or nearby rail workers to the scene of the incident faster than the approximate 30 to 40 minutes it would take for the conductor to walk back to the incident. Conductors have no special training. They are not required to be qualified in cardiopulmonary resuscitation. While they can absolutely calm and provide comfort to the injured party, it is more likely emergency responders will beat them there and will have the right training and necessary lifesaving equipment to assist.

Technology and process advancements have always predated safety improvements in this industry. As technology has removed work hazards, the industry's safety performance has improved significantly. [Written testimony was also submitted ([Exhibit T](#)).]

Brant Hanquist, General Director, Labor Relations, Workforce Resources, Union Pacific Railroad:

For decades, the railroads and their labor partners have negotiated and maintained collective bargaining agreements regarding appropriate and safe crew size, and safety has continued to improve across the industry.

Safety is always our top priority, and as a company we continuously look for ways to enhance safety and security for our employees and communities. Union Pacific supports work rules that improve safety.

Crew size has been addressed pursuant to the requirements of the federal Railway Labor Act (RLA) and the collective bargaining process, as influenced by Presidential Emergency Board outcomes.

In Nevada, unions ratify collective bargaining agreements that include crew size requirements. State legislation that attempts to alter these collective bargaining agreements would threaten the integrity of local ratified agreements and compromise future negotiations. Permitting a party to secure through legislation what it was unable or unwilling to achieve through good faith collective bargaining could seriously undermine motivation and RLA requirements to bargain over issues such as crew size.

The collective bargaining process has a proven record of successful resolution through locally ratified collective bargaining agreements that address limitations on the amount and type of work performed, compensation, and work rules ensuring crew safety. Crew size agreements are negotiated by representatives of both rail management and labor experts with full knowledge and understanding of railroad operations and safety goals. Work rules cannot be determined by either management or labor unilaterally. It is a collective effort. A new round of bargaining will begin later this year and, in fact, in that bargaining process, any item that cannot be agreed to change will remain in place.

In closing, I would like to say that to date neither the unions nor Union Pacific Railroad has directly broached the idea of a single-person crew with the other party. [Written testimony was also submitted ([Exhibit U](#)).]

Chair Monroe-Moreno:

Before you three leave the table, we do have a few questions.

Assemblyman Carrillo:

You stated this is in the *U.S. Constitution*. If this is in the *U.S. Constitution*, how have other states passed this law?

Matthew Navarrete:

This specific matter is not in the *U.S. Constitution*. The idea of federal laws preempting state laws is in the *U.S. Constitution*. While you are correct that other states have passed this law, it does not mean those laws will not be preempted. Once those laws are challenged, we are of the position that there is a strong preemptive argument from three different federal laws and the *U.S. Constitution*.

Assemblyman Carrillo:

That is almost like we have marijuana legal in Nevada, but it is not legal at the federal level, so we as a state have made that decision. Is that correct?

Matthew Navarrete:

I do not want to speak to that exact matter because I am not familiar with the federal marijuana laws and the state marijuana laws. The idea of the federal regulation versus state regulation and the preemption of those laws is the same here.

Assemblyman Leavitt:

We heard earlier that two-person crews are currently operating in Nevada. When was the last time Union Pacific Railroad negotiated for a one-person crew under the current contract?

Brant Hanquist:

We have several different collective bargaining agreements. We have some situations where we do operate by remote control with a single-man crew. Those were in the early 2000s, but I do not have those agreements right in front of me nor do I know the dates. I do believe we use that type of operation in Sparks. I think we used it at one time in Las Vegas but have stopped. Whether it will return or not, I am not sure. The last time we really negotiated crew consists for over the road would have been in the 1991 Presidential Emergency Board, and those changed shortly thereafter in 1992 or 1993. They will remain in effect until they are changed by the parties.

Assemblywoman Backus:

My question would probably be for Mr. Navarrete. Has not one of the circuit courts already upheld the two-man crew state law as not violating any federal laws?

Matthew Navarrete:

I am not familiar with that particular circuit court decision. However, Union Pacific is of the position that the FRA has acted in this arena, so that preemption would occur. I can follow up with more information on that specific case.

Assemblywoman Backus:

I can give you the citation. It is *Burlington Northern and Santa Fe Ry. Co. v. Doyle*, 186 F.3d 790 (1999). For full disclosure, I am also an attorney. When I look at federal preemption, there should be another law in existence that would be more narrow than what we are proposing. I personally do not know of any federal regulation that only mandates a one-man crew. Do you know of such a federal regulation?

Matthew Navarrete:

There is not a specific regulation on the record. However, there are multiple laws and regulations that cover the subject matter area. For instance, ICCTA regulates the economic activity of railroads and prohibits any state activity that would put an undue burden on interstate commerce. In 2016 the FRA issued a notice of proposed rulemaking to address this issue. The FRA has started looking at this issue. As I mentioned, it is widely expected that they will make a decision not to regulate in this area, so that will be them acting in this subject matter area.

There is a third law, the Railway Labor Act, that leaves this subject matter exclusive to collective bargaining issues. While there is not a specific regulation on topic, there are three federal laws and regulations that cover the subject area. As I mentioned before, generally, the *U.S. Constitution* Commerce Clause would address this as well because it would frustrate the intent of Congress to regulate interstate commerce with railroad business.

Assemblywoman Backus:

I am going to make a comment because this is a sensitive area for me since I am married to a commercial airline pilot. It frustrates me to think that people have to collectively bargain for their safety. I am blessed that he is a pilot because he is able to follow the sleep rules. I am shocked that it could be down to a one-man crew for 12 hours. It is proven that errors happen and two people are needed to look out for each other. Automated services are proving to be questionable. I hope you can see where I am coming from on this one.

Chair Monroe-Moreno:

I want to make sure I am reading this correctly. There was a notice of proposed rulemaking that involved the FRA and the U.S. Department of Transportation. As I read the summary [Docket No. FRA-2014-0033, Notice No. 1], it states, "FRA proposes regulations establishing minimum requirements for the size of train crew staffs depending on the type of operation. A minimum requirement of two crewmembers is proposed for all railroad operations, with exceptions proposed for those operations that FRA believes do not pose significant safety risks to railroad employees, the general public, and the environment by using fewer than two-person crews." With that summary, if the state of Nevada were to decide that we believe having a one-man crew poses a significant safety concern for our state, we would not be in any violation of any federal rules. Is that correct?

Matthew Navarrete:

If I understand your question correctly, if you pass this bill, you are wondering if you are going to be in direct conflict with any specific regulations. The answer to that is no, but you will be in conflict with the FRSA, ICCTA, the Railway Labor Act, and the Commerce Clause of the *U.S. Constitution*.

Chair Monroe-Moreno:

If we do pass this legislation, we would be pretty much in line with the statement that is in the FRA now. Is that correct?

Matthew Navarrete:

Because I do not have that statement in front of me, I do not want to make that determination. I will say that the fact that the statement has come from the Federal Railroad Administration shows that they are considering regulating in this arena. As I mentioned before, we expect them to come forward with an affirmative determination not to regulate in the area, which would bring that under the preemption in FRSA.

Chair Monroe-Moreno:

Are there any further questions from the Committee? [There were none.] Is there any further testimony in opposition?

Mark H. Fiorentino, representing Burlington Northern Santa Fe Railway Company:

As part of your record, a letter of opposition authored by Don Maddy, Executive Director of State Government Affairs for the company, is on the Nevada Electronic Legislative Information System ([Exhibit V](#)). I do not have anything to add to what is in the letter. It summarizes pretty clearly what the opposition is. While I am at the table, I am happy to answer any questions.

Chair Monroe-Moreno:

Are there any questions from the Committee? [There were none.]

Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce:

We appreciate the bill sponsor for bringing this bill forward and the thoughtful dialogue we have heard today from the proponents of the bill. The Las Vegas Metro Chamber of Commerce and its members consider safety to be the No. 1 priority for our employees. However, the Chamber does have concerns with sections 1 and 2 of the bill as outlined. The Chamber has concerns about the staffing requirements for a specific industry being placed in *Nevada Revised Statutes*. We do believe, at this time, the appropriate component of that would be in collective bargaining agreements, as we have heard today and as they are currently existing. We also have concerns about the increased civil penalties in section 2. I would be happy to address any questions.

Chair Monroe-Moreno:

Are there any questions from the Committee? [There were none.]

Miranda Hoover, representing Northern Nevada Development Authority:

The Northern Nevada Development Authority (NNDA) is in opposition to A.B. 337. Requiring two-man crews will drive up the cost for freight shipping, which impacts several of Nevada's key industry sectors that rely on freight. The railroad industry has made significant progress, as many technology innovations are in use which positively impact safety and efficiency of the railroad. In our opinion, this bill overlooks that fact.

The on-track equipment provision in sections 3 through 5 would not place the liability on the public versus the railroads, which we believe is an unintended consequence of this bill. We imagine the railroads would like this new provision, but we wonder if this is in the best interest of the public.

In our discussion with the Department of Transportation, they advised that there have not been any crash incidents involving on-track equipment. We appreciate Assemblyman Ellison's comments and agree that this bill also does not take into consideration the future of autonomous trains that are being developed. As we move through the twenty-first century, this bill could potentially hamper future developments.

On a side note, we would like to let you know that NNDA is hosting a rail technology day in May specifically to address, discuss, and educate on rail issues. Of course, we invite all interested parties to attend.

Chair Monroe-Moreno:

Earlier testimony was that in Nevada most of the trains already have two-member crews. Could you explain why you feel it would increase freight if that is the common practice?

Miranda Hoover:

The NNDA has a lot of members and customers who come from all over the country. While we are aware that Arizona and Colorado currently require two-man crews, again, we have rail that comes in from all over the country. We worry this is going to increase the cost of rail whether it is coming from Wyoming, Montana, or anywhere on the East Coast.

Chair Monroe-Moreno:

Is it your testimony that you would put cost over people's lives?

Miranda Hoover:

Absolutely not. We are absolutely always here for the best interests of the public and their safety, which is why we have concerns based on sections 3 through 5. I know it was represented during the presentation that between 50,000 and 80,000 cars go across the tracks every day just in the Las Vegas area. We feel that moving those provisions from the railroad companies to the public is going to hurt the public.

Chair Monroe-Moreno:

Is there any further testimony in opposition? [There was none.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any final comments from the bill sponsor?

Assemblywoman Martinez:

I would like to invite Mr. Doering for rebuttal to some of the questions.

Jason Doering:

Our legal counsel, Lawrence Mann, who was a principal draftsman of the Federal Railway Safety Act of 1970 and who is directly involved in the state preemption provision, has submitted three exhibits [([Exhibit W](#)), ([Exhibit X](#)), and ([Exhibit Y](#))] refuting the carrier's arguments concerning the FRSA, RLA, and ICCTA which, to the carrier's argument, does not include case law but rather opinions of Union Pacific Railroad.

Assemblywoman Martinez:

In closing, this bill may sound familiar to some of you. A similar piece of legislation was passed during the 2017 Legislative Session, but it was vetoed by the Governor [Senate Bill 427 of the 79th Session]. I believe Assembly Bill 337 is an important public safety measure, not only for our railroad workers but for the general public as well. The safety of our railroad workers and communities is nonnegotiable. We have seen too many examples of tragedies in the railroad industry, as we illustrated in the video ([Exhibit F](#)). Having a two-person crew not only helps prevent potential accidents or derailments, but it strengthens the safety and security of railroad workers in our communities. At the end of the day, we all want to go home safely to our families. I appreciate the Committee's consideration for the bill, and I urge the Committee to support Assembly Bill 337.

Chair Monroe-Moreno:

I will close the hearing on Assembly Bill 337. I will open the hearing on Assembly Bill 338 and welcome the sponsors to the table.

Assembly Bill 338: Revises requirements for the operation of a motor vehicle by a young or inexperienced driver. (BDR 43-600)

Assemblyman Jim Wheeler, Assembly District No. 39:

As you can see, Assembly Bill 338 is a nonpartisan bill. I appreciate Senator Ohrenschall's being here with us today to help present the bill. A couple of years ago, Youth Legislator Tea, who is sitting to my right, asked me to join him at a driving event for a couple of hours. I accepted, not really knowing what I was getting into, but I wanted to see it myself. It was summertime and pretty hot outside, and I found out it was a full-blown driving course with all the cars screeching and accelerating. They were really taking these kids through the paces and teaching them how to respond to situations. I was impressed not just by the information and the course itself, but by the passion of the volunteers. There were about 800 kids there. There were stations set up, and it was wonderful the way they were teaching these kids about what to do to get out of a bad situation. Youth Legislator Tea will give you some examples of what happened to kids who could not get out of the situation when he speaks.

When I asked people why it was so important for them to come out and volunteer for this event, it was one simple answer. They said it saves lives. That stuck with me. A few days later I was approached by Youth Legislator Tea who asked me to run the bill for him. I told him that I would make a bill available for him, but he would have to run the bill. As you can see on the bill, he has received 29 cosponsors from both sides, and the bill states "By Request."

At this point, I have watched him and he has done a great job putting this together, putting the testimony together, and putting all the answers together for you. I am going to turn it over to Youth Legislator Tea. I appreciate your listening to his bill.

Chair Monroe-Moreno:

I truly believe that one of the jobs we have as legislators is to mentor and inspire the next generation of leaders. I thank you and appreciate you for doing this.

Nathan Tea, Youth Legislator, District 16, Nevada Youth Legislature:

Madam Chair, I really appreciate your taking the time out of your busy schedule and your patience with me as I was learning how this process works. Thank you to Assemblyman Wheeler for accepting my invitation to join me at Driver's Edge, a day in Reno two years ago, and for your help, mentorship, and for believing that this type of program will, in fact, save lives, enough to bring this bill forward. The amount of time invested in me and in this concept is greatly appreciated and will never be forgotten. To Senator Ohrenschall, I am so grateful for your interest in this bill and helping me with a real solution for my generation and mostly for how amazing you were to ask to be a primary sponsor of my bill and agreeing to present with us. I was completely blown away and look forward to continue working with you in the future.

Members of the Committee, I want to thank you all for taking the time to allow me to meet with you and discuss my bill, to vet it beforehand, and to get any questions or concerns you had answered. To all the 29 legislators who allowed me the time to explain my bill and trusted enough to sign on as cosponsors on that crazy Monday when the bill dropped, I have not been able to put the words in proper context yet about how honored I am that you have allowed me the opportunity to be the voice of Nevada's youth.

To the Department of Motor Vehicles (DMV), the Department of Transportation, Zero Teen Fatalities, law enforcement officers, countless subject matter experts, and families who have shared their stories, thank you for your time and patience in answering my hundreds of questions, text messages, and my endless pursuit of facts and supporting documentation. And to all the families of all the teens who have passed since I started this journey, some who are watching today, who allowed me to hear the painful stories and cry with you, thank you, and I am so sorry. My efforts in this bill have been fueled by honoring their lives.

I believe we are all here to make an impact on the world, and it is not by accident that every one of us is sitting here today. One of the most common things for adults to say when an adolescent makes a mistake is, Oh, that is just a typical teen mistake. One thing I know for sure about my generation is, if we are given the right information and empowered properly, we strive to be excellent and do our best. That goes for everything we do, including driving vehicles.

Assembly Bill 338 will mandate a hands-on defensive driving course for all new drivers under the age of 21 before they receive their license. The proposed conceptual amendment we have provided ([Exhibit Z](#)) has deleted section 1, which mandates a placard, which should

improve a majority of the fiscal note. April Sanborn and Jude Hurin are here from DMV, and they will testify later. They are also available to answer any questions. There is nothing more important than the rightful education of young drivers to teach them that driving is a privilege and to respect the responsibilities enough not to take a life.

While I was studying for my permit test, I kept asking my mom questions to which she would reply she did not know. We looked them up together. It frustrated me, so I finally asked her why she did not just give me the answers. She said, "Nathan, the last time I took the driving test, I was 15, and that was over 30 years ago." The laws change every other year. I was able to take the mandatory driver's education online, but nothing online can be applicable for the real-life driving of a vehicle. It is completely different in the real world, as you have to use your hands and your eyes and let them be taught how to recognize a situation and react appropriately.

During my time working with the Zero Teen Fatalities program, I learned that many families lie on the application about driving, so most students do not actually complete the 50-hour driving requirement. Even if they did complete the 50 hours, they were still trained by their parents who, for the most part, took the test long before they were born. We are asking nonexperts, whom teens do not really want to listen to in the first place, to teach them how to drive properly.

Yesterday, we submitted facts, statistics, and a video to preview before this hearing. I hope all of you were able to watch it. For those of you who have not had the opportunity to watch the video, this story is one of the many painful stories that have driven me over the last two years. The statistics I shared with you yesterday are only part of too many real-life stories. I do not have enough time to share them all with you, but I would like to share some to keep it real and relevant as to why I am so passionate about increasing the driving standards for teens.

In the blink of an eye—Las Vegas—five teen girls drove to Burger King on their lunch break and hit a pole coming back, splitting their car in half. One died on impact, her head lying on her friend's leg. Another died at the hospital, and a third had her leg amputated. The community was rocked. It was reported that the driver did nothing wrong, but it was a simple overcorrection. Two years after that accident, one of the survivors' boyfriends was in a car crash in the same location. He, too, died.

November 2017—Carson City—just seven miles from this building. Seven teens were in a sport utility vehicle that seated five. Only the driver and the front passenger wore seat belts. The other five chose either not to wear a seat belt or they did not have access to one. Two of them were ejected from the vehicle and one fought for his life. Unfortunately, we lost him.

In 2017 early in the morning, two teens in a Nissan pickup truck were speeding in a 35-mile-per-hour speed zone on their way to school. They hit a Mini Cooper head-on. That day, 73-year-old Bonnie Saviors was killed by the impact.

Silver Springs—2018—Stacie and Katrina, two teen girls, were driving home after school and were pronounced dead on the scene by first responders. One month later, Katrina's mother sent her son to stay the night with a friend. She was later found dead, alone, after a house fire the next morning.

Las Vegas—June 2018—two teenage girls in a Nissan hit a Ford when the driver attempted to make a right turn. The Nissan hit the Ford and then a traffic pole. The two female passengers in the Nissan were pronounced dead at the scene.

Finally, September 2018—three people were in the vehicle—one teen was ejected and died on impact. One teen is in jail with several charges. Those are my friends from Damonte Ranch High School.

With vehicles, there are not any accidents, only crashes. By definition, an accident is something that could not have been prevented. We, as drivers, have complete control over our vehicle. Ninety-eight percent of crashes had at least one preventable factor. I have already sent these facts to the Committee, but as a reminder, I would like to highlight a few that really bother me and drove me to research and create this bill.

The No. 1 cause of death for teens right now is vehicle crashes. In 2017, 37,133 teenage lives were lost on the United States' roadways. For an adolescent, there is already a 70 percent chance of a car crash every time they get behind the wheel. That number is increased by 70 percent by every teen they add to the vehicle. That is also paired with the roadway conditions and other conditions that may be going on.

A conceptual amendment has been submitted ([Exhibit Z](#)) to make this bill very clear and easy to support for all. The driving education is critical, so we will remain focused just on that. The conceptual amendment removes section 1 of the bill in its entirety, which will reduce a large part of the fiscal note, as I mentioned earlier.

Under section 2, the conceptual amendment allows DMV to adopt regulations as necessary. This will be for the future in case DMV sees fit to either alter or add any additional regulations that they see need to be added.

Under section 3, the conceptual amendment states, "any person who is operating a motor vehicle while holding an instruction permit or a restricted instruction permit is exempt from Section 2 if that person lives 50 miles or more from a course on defensive driving."

Under section 12, the conceptual amendment changes the effective date to July 1, 2020.

Chair Monroe-Moreno and Committee, I appreciate your time and attention. I am now available for questions.

Senator James Ohrenschall, Senate District No. 21:

I have to take my hat off to Youth Legislator Tea's bill. I think it took a decade, but he finally brought me and Assemblyman Wheeler together. We are finally presenting a bill together. It is the first time in Nevada history. I am not sure if Hades froze over, so we better check on that. Youth Legislator Tea brought the most liberal member and the most conservative member of the building together to work on this bill. I am very impressed by Youth Legislator Tea and his work on this bill. Thank you, Assemblyman Wheeler, for allowing me to cosponsor it.

I have had the privilege of attending the Driver's Edge defensive driving class as an observer, both in southern Nevada and in Washoe County. I think it really does help the teenagers who go through it in terms of trying to be more careful regarding the dangers of overcorrecting and the dangers of not being able to handle a situation—trying not to panic and freak out if they have a situation, whether it is oil on the road in a rainstorm in Las Vegas or black ice in the north. The only way young drivers can become safer drivers is through more supervised instruction. I think this class helps a lot.

In my job, I am a deputy public defender at juvenile court, and I see many children who decide not to get their instruction permit when they are 16 and 17. They decide to forego that and wait until they turn 18. They do a lot of practicing and then go in to take the test. Many of the young adults pass the test and get their license, but with a great deficit of actual experience in terms of driving beforehand. I do not think you would want me to fly an airplane if I had only studied a book and never flown an airplane. I think the same is true of vehicles. There is a lot that kids need to learn hands-on and through courses like this. I am supportive of this bill, and I think it has the chance to reduce crashes and fatalities.

Chair Monroe-Moreno:

We do have a few questions.

Assemblywoman Backus:

I understand Senator Ohrenschall has taken the driving course. My concern about this is making it a mandate and the cost of the driving course. How much does the driving course cost?

Senator Ohrenschall:

I attended the driving course as an observer both times, so I did not actually take the course as a student. I do not know the answer to your question.

Nathan Tea:

The Driver's Edge program is currently free, and they intend to keep it free. They are mainly subsidized by donations from the students' families who take the program and private parties within the state. The Sports Car Club of America has a program called Tire Rack Street Survival, which is a \$90 class. I do not know if that price will be going up or down, but we have discussed the possibility of an amendment in the future of setting a price cap, if that helps answer your question.

Assemblyman Leavitt:

I am disappointed that I missed your presentation, but I have talked to you a little bit about this bill. I have a 15-1/2-year-old daughter and I have had glimpses of the Pearly Gates over the last couple of months driving with her. I have quickly realized I am not equipped to teach a 15-1/2-year-old to drive a car, even though I have driven for 29 years. I want to say I am grateful that you are bringing this to the forefront to get some exposure to the fact that this is needed. After talking to you, I did sign my daughter up for Driver's Edge because I think they are more equipped to handle that situation before I have a heart attack driving with her.

What statistics did you look at when you were formulating this bill, and is it something you can share with us?

Nathan Tea:

I do not remember the website, but it is the national website for traffic safety. Many of the statistics are on that website. I would be more than happy to forward the website to you within a couple of hours.

Assemblyman Leavitt:

If you could forward that to the entire Committee, that would be appreciated.

Assemblyman Roberts:

I am a cosponsor of this bill and both of my sons took Driver's Edge before they started driving. I do not know if it really helped or not. If I had taught them, maybe they would have been ten times worse. It is a good course and I support it 100 percent. Between the two schools that you mentioned, can they handle the volume of people with instruction permits who will be coming through over the next few years?

Nathan Tea:

They are currently able to expand to as many counties as possible. However, they will need until July 1, 2020, to be able to get the engines up and running. We are working with several other programs out of state to come into the state to help handle the load, which will be coming. I believe I saw in the fiscal note that there are an estimated 300,000-plus students coming within the next year. I am sure Ms. Sanborn will be able to elaborate more on that issue. However, the current programs are willing and able to expand as much as they can.

Assemblyman Ellison:

I really think this course is needed. My granddaughter is just getting ready to get her driver's license and is trying to steal one of our convertibles, and that scares me to death. I wanted to teach her how to peel out, but I do not think that is the right thing to do. I am impressed with how you took this bill on and how your heart is in it. If this bill goes forward, is it going to go in every school district?

Nathan Tea:

The school districts will not be involved at all. It will be county to county. Currently, Driver's Edge is in Clark County. I believe they do their program at the Las Vegas Motor Speedway. They are also in the Reno area at the law enforcement and first responder training facility off of Parr Boulevard in the northwest Reno area.

Assemblywoman Bilbray-Axelrod:

We talked in my office and I wanted to put this on the record as something to think about. I actually went to high school in Virginia outside of Washington, D.C. It was mandated that students had to take a behind-the-wheel course as well as one semester before turning 16 during the physical education class where they were actually in a classroom learning about safety on the roads. I was sharing with Youth Legislator Tea that the coach who did it actually installed a seat belt on the desk. Students would put the seat belt on when they sat down, and if they did not, they received a violation. After three violations, they got detention. The coaches who taught were also doing the behind-the-wheel training, which was allowing them to supplement teacher salaries. That could be something we could look at down the line. Being a kid from Las Vegas and going to high school in Virginia, it was helpful to learn how to drive in the snow.

Assemblyman Wheeler:

I want to let everyone know that, from what I understand from Youth Legislator Tea, the Driver's Edge course is going to try to expand to every county. We did put in the bill and the conceptual amendment that if students are not within 50 miles of a course, they would be exempted. Regarding the cost of the program, we have been talking to some people about stepping up donations to make sure this program stays free for every single child in this state. [([Exhibit AA](#)), ([Exhibit BB](#)), and ([Exhibit CC](#))] were also submitted by Assemblyman Wheeler but not discussed.]

Chair Monroe-Moreno:

Seeing no further questions from the Committee, I will open the hearing for testimony in support of Assembly Bill 338. We will start with the gentleman in Las Vegas.

Robert Compan, Private Citizen, Las Vegas, Nevada:

I want to thank Youth Legislator Tea for bringing this bill. I was a sophomore lobbyist when this body introduced Assembly Bill 52 of the 73rd Session, which set the premise and the staging for what is going on with this legislation now. It is an excellent piece of legislation.

The initial concept was called graduated driver's licensing. The driver's licensing at that time was putting in the mandatory driving hours and nighttime hours. It was basically predicated on the fact that the parents would be trusted to have a log, complete the log, and make sure it was accurate. As Assemblyman Leavitt stated, he is not equipped to teach his children, and neither was I. My daughter ended up having three accidents in her first three months of having a driver's license. Obviously, I was not qualified to teach her.

I think what this brings to the table are two aspects: Obviously, the defensive driving part is important and shown by statistical data how accidents can be prevented just by being out there and being a defensive driver. Secondly, by the placards. Madam Chair, I live in your district and you know we have a DMV office very close to our homes. We just got a brand-new roundabout on Deer Springs Way, which is only one lane, but we can discuss that later.

Chair Monroe-Moreno:

That was a city decision, not a legislative decision.

Robert Compan:

Yes, I know it was. We are at ground zero for driving schools. There are student drivers going by my gated community every day when I pull out. One thing I like about the driving schools is the cars identify that there is a student driver in the car. As a driver myself, I am always cautious when I am driving around. If we are going to put placards on the car, which I think is a wonderful idea, we will be affording the same efforts to be cautious when drivers see the students driving.

I want to thank the legislative body and Mr. Tea for introducing this bill. He has done a wonderful job by getting 29 bipartisan lawmakers to sign on to a bill. I do not think I have ever done that in my 15 years of lobbying proactive legislation. Congratulations, and I wish you well on your future endeavors. I urge the Committee's support on this legislation.

Lorrie Olson, Private Citizen, Reno, Nevada:

I am here strictly as a mom who is wholly in support of A.B. 338. I also want to thank Youth Legislator Tea for his insightful and impactful testimony. I know his mother well, and I know she is proud, and we all share in her pride.

The day my daughter turned 16, I had to take her to get her driver's license. Unfortunately, when she was 17, I had to take her to her first funeral. A car full of teens was traveling westbound on U.S. Highway 50. They were messing around and the car became airborne and landed on her best friend's car that was traveling in the opposite direction. That child was an only child. Her mother never got to see her go to prom, graduate, or any of the things I was so proud that I got to see my daughter through. It was a very sobering experience for a young child, and I hated that she had to go through it.

You have all heard the statistics. All I ask is that you do the right thing. Help us to raise our children to adulthood. That is really all we want to do. We just want to get them to adulthood. When I heard Assemblywoman Backus talk about the cost, I want to know the value of our youths' lives.

Peewee Henson, Private Citizen, Reno, Nevada:

I am a volunteer with Driver's Edge. I have 24 years with United Parcel Service of America, Inc. I retired in 2013. I teach the "no zone" component; how to be safe on the highway next to the big trucks. I can tell you from experience and watching these kids learn how to drive, whatever skills they earn and learn behind the wheel with Edge, it gets parked in the pixels in the back of their heads somewhere, and somewhere down the road it comes out. I can tell you my dad's story later if you want to hear it.

The problem we have in this state is, driver's education stinks. We teach them about what the controls of the car do, not how to control the car. We have adults who have terrible skills and horrible habits teaching our young people how to drive. Terrible skills and horrible habits are what the young people learn from the adult.

I will close with two things. No one that I know gets into a car hoping to God someone does not kill them today. People do not die in car wrecks—somebody killed them. I tell everyone, if that weight is too much to carry, get a bus pass. Do us all a favor. I support this bill, and I support Mr. Tea. I think this should be part of the program, no matter what the cost. As the nice lady said, what is the cost of a life? If you cannot make that happen, that is on you.

Chair Monroe-Moreno:

I am going to make a statement as the Chair of this Committee. I will not allow anyone sitting at that table to be rude to anyone on this dais. The question was asked by the legislator because we have received emails about how much this was going to cost the parents who are already having trouble making ends meet. That is why the question was asked. The question was not how much this is going to cost the state. We have received emails from parents in the community saying they want this program, but they are not sure if they can afford it. That is why she asked that question. Please do not be rude to any of the members on my Committee. That is all I am going to ask from the audience.

Jeff Warner, Private Citizen, Reno, Nevada:

I owe you an apology for the late notice I got of this meeting. I jumped off my backhoe and came here, so I am not going to get the snappy dresser award. I have been involved for over a decade here in northern Nevada with a program called Tire Rack Street Survival, which has been mentioned. Driver's Edge is a great program. Street Survival is a great program. It was originated by the BMW Car Club, and the Sports Car Club of America has picked it up. Let me assure you, it has nothing to do with either BMWs or sports cars. The aforementioned testimony was about listening to screeching tires and watching the kids. Both of these programs allow these kids to get to the limit of what that car is going to do. It is far better to find out in a safe place, like the Regional Public Safety Training Center in Reno, than on the Mount Rose Highway on a winter day. These programs both work.

You all appear to be in support of this bill, as I am. I just want to add one thing. I do not think it goes quite far enough. About six years ago I talked to a political gentleman in Las Vegas and we went over a program where the state could administer these driving programs with a revenue neutral method. The payment was going to fall on the parents. As we see when we put on these programs, some parents choose to go skiing or go to Disneyland instead of putting their kids in a course that could save their lives. Unfortunately, a lot of parents hand their kids a VISA card, a Starbucks card, and the keys. That is their training. The school system has basically abdicated their role. The country of Germany serves as a role model where kids are absolutely not given a driver's license unless they complete these programs, and it saves lives.

Sam McCord, Private Citizen, Reno, Nevada:

I am here as one of the instructors from the Tire Rack Street Survival program. I have led the classroom instruction and instruction on the course with the kids. We work together with the Sports Car Club of America. I was asked to speak about the course, but I want to start by telling you I am not just here as an instructor. I am so happy to speak to you about what happens in this class, what we see happen with these kids, and the outcomes we can truly expect if you go forward with this bill.

I am also here as a father. I am a member of the Sports Car Club because I love cars. I am before you today because somehow, by the grace of God, I survived my first three years of driving. I love cars and I love going fast. I had confidence, but I did not have competence. One of the things the research shows, and the reason there is theory and hands-on portions of this class—and they are both essential—is because one without the other can actually make things more challenging for these teen drivers. That component is critical. Youth and teens who feel confident in their skills, as I did, are nowhere near competent enough to handle what they think they can do. That is the primary reason you see that 89 percent of all new drivers have an accident in their first three years.

I spent the better part of my life in a career in motor racing. I thought, who better to teach my kids how to control cars and be safe on the road because that is really all that it is about, too. Not just going fast. Both of my kids, in their first three years, were a part of that statistic I just told you because I am their parent. They have seen me do things right, and they have seen me do things wrong. They had some confidence which ended up in accidents. Both cases could have been far worse if a pedestrian had been involved when they lost control of the vehicle, or the impact was at a greater speed, consistent with the extremely sad and compelling story you heard in someone else's testimony before me.

The confidence and competence is something that when they are in the classroom there is a theory component. It goes over everything like you may have heard about dealing with commercial vehicles on the road, what they do not learn in the rules of the road class online. Even from a driver's instructor program where they are driving around and following how to yield, how to stop, how to turn left, how to do all the things we take for granted, does not make them safe drivers in the world they go into. The statistics are there. I do not have to tell you why. I think the why has already been established.

I heard you talking about your kids. That came up over and over again. We do teach them how to peel out and get that out of their system. It takes them about half the day on the course for them to realize they are going to drive the car and experience that limit, know what it is, know what the car and they cannot do. One thing unique about the Street Survival program is the teens drive the vehicle they own or that their parents have provided for them in most cases, and I would encourage that might be a possible component for this bill going forward. That is the car the youth is driving and that is the car that has its unique dynamics. That youth needs to get used to driving it.

You think about health care, of flying airplanes, of surgeons. They do things that have potentially dangerous outcomes. They are all mentored. They do not learn from a book; they are mentored. There is someone there with more experience. I can sit in front of these kids and the other instructors who do the same work as I do, and share with them because I am not their parent. They are actually starting to listen to what happened to me, the accidents, crashes, and collisions. You take ownership of that and these kids do come away with that.

I have a lot to say, but there are a couple of quick things I would like to close with. In the beginning, when parents show up with their teens to that class, the kids are thinking, oh my God or OMG, I have given up my whole Saturday and I really do not need this. At the end of the day, there is also an OMG. They think, I had no idea. I am so much better and I have knowledge of what to look for. Not that they can just control a car to its limits. That is absolutely not what we are teaching them. We are teaching them how to react to a car that may act in a way that they do not expect. We teach them to look down the road and understand the awareness. Teens do not have life experience. They have not survived trial and error like everyone in this room has done. You are all probably survivors of trial and error when it comes to driving and being safe. We have made our errors, and we have learned from them. Some of these errors end up in fatalities.

I want you to see the before and after. In one day, their perspective on their responsibility and how to handle it, they come away with a legitimate equal amount of confidence and competence to be safer drivers. As an instructor, I am happy to answer any questions you may have.

Chair Monroe-Moreno:

Are there any questions from the Committee? [There were none.] Is there any further testimony in support of the bill? [There was none.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

**April Sanborn, Services Manager III, Division of Management Services and Programs,
Department of Motor Vehicles:**

We are here to testify in the neutral position. I want to say, as the agency that has been tasked with ensuring that our driving public can demonstrate proficient skills behind the wheel, we obviously would not oppose a bill that would help us reach that endeavor. We are happy to have worked with Youth Legislator Tea to craft some of this language. He also

mentioned the amendment on the bill ([Exhibit Z](#)) that we received during the hearing. We preemptively reworked some of our numbers, so the fiscal note we had provided included section 1 with the placard. That was a large portion of the fiscal note. If that section is going to be removed, that would actually remove about \$100,000 a year from the fiscal note. We can redo the fiscal note and provide it to the Committee. I would be happy to answer any questions you may have.

Chair Monroe-Moreno:

With the removal of section 1 and the placard, there will be nothing to indicate a student driver in the vehicle. Is that correct?

April Sanborn:

That is correct.

Chair Monroe-Moreno:

Are there any questions from the Committee?

Assemblyman Ellison:

This seems like an advanced course. I tried teaching my kids how to drive and they did not listen when they were younger. I tried to teach them how to drive on snow. This course will help do that. Is there a way that they can get a certificate from the driving program that they could take to their insurance company to maybe get a lower rate? I am thinking of some way to help if these kids are going to take this extra step to be safer on the road.

**Jude Hurin, Administrator, Division of Management Services and Programs,
Department of Motor Vehicles:**

My wife and I enrolled our daughter in Driver's Edge. Our particular insurance carrier did allow us to have a deduction in our premium. It would be up to the individual insurance companies as to how they would view that. Normally, they look at a variety of driver safety programs and adjust the premiums accordingly.

Chair Monroe-Moreno:

Seeing no further testimony in neutral, I will invite the sponsors of the bill back up for closing remarks.

Nathan Tea:

I would like to thank you all for hearing this bill today. I appreciate your time and all the questions that were asked. To answer Assemblyman Leavitt, the websites were provided in a list of websites in the document you have [page 56, ([Exhibit BB](#))], but to name a few, there is nhtsa.dot.gov; zeroteenfatalities.com; and aaa.com.

Thank you again for allowing me to be the voice of our youth today in hearing A.B. 338 and my concerns for the lack of education when it comes to driving. I have been raised to believe that if I see a problem, it is my responsibility to fix it or find someone who is better equipped than myself. The moment my mother and I realized that the No. 1 cause of death for

teenagers was car crashes, I felt an obligation to do something about it. I am sitting before you all today with the help of all of my cosponsors, the people who have come to show support for the bill, and all who have mentored me through this process. I believe I have found the right team of people who are more than equipped to do something about this very serious issue.

Teen driving fatalities are painful and yet completely correctable through a half- to a full-day training course to empower and equip teens and parents with the right tools necessary to stay alive. I ask you today to vote yes on A.B. 338 and join all of us in creating solutions for the youth of our state and for the safety of everyone on our roadways.

Chair Monroe-Moreno:

I want to say thank you for bringing this bill forward. More important, your mom should be extremely proud of you. I met you a few months ago, and I truly appreciate the way you have worked this bill. You have even learned from the mistakes you made along the way. You have a bright future in politics, and you should come over to my side of the aisle.

Assemblyman Wheeler:

I would like to thank everyone for hearing this bill and to tell you how proud I am of this young man. He is going to make a great legislator one of these days.

[Written testimony in support was also submitted ([Exhibit DD](#)).]

Chair Monroe-Moreno:

I will close the hearing on Assembly Bill 338. I will open the hearing for Assembly Bill 377 and welcome Assemblyman Watts to the table.

**Assembly Bill 377: Revises provisions governing weight limits on certain vehicles.
(BDR 43-802)**

Assemblyman Howard Watts, Assembly District No. 15:

Assembly Bill 377 removes barriers to the adoption of clean heavy-duty vehicles by increasing the weight limits for electric and natural gas vehicles, which are generally slightly heavier than their conventional diesel counterparts. There is an exemption consistent with federal statute which allows battery, electric, and natural gas vehicles to deviate from the normal weight limit by up to 2,000 pounds on federal roads. We need a state-level-exemption to allow those same vehicles to also drive on nonfederal roads.

In the last session, there was some legislation passed and there was actually another bill this Committee considered earlier [Assembly Bill 320] that dealt with *Nevada Revised Statutes* (NRS) 482.482 regarding registration. The exemption is implied in that bill. What A.B. 377 does is make the language extremely clear by adding it to NRS Chapter 484D dealing with

the weight and load of vehicles. The bill has only one section, and in section 1, subsection 3 it states, "To the extent authorized by federal law, a vehicle powered primarily by one or more electric motors or by an engine fueled primarily by natural gas may exceed the limits of this section by not more than 2,000 pounds."

I would be happy to take any questions from the Committee.

Chair Monroe-Moreno:

Are there any questions from the Committee?

Assemblyman Leavitt:

If there were a hybrid-type vehicle in that weight class where the electric capacity is perhaps not primary to the operation of the vehicle, would that situation lend a need for the increased weight?

Assemblyman Watts:

I will let others speak to that question. I believe the vehicle would be defined as electric- or natural gas-powered so this exemption would apply. I know there are trucks that have auxiliary power units so I do not think that would necessarily apply in this context.

Assemblyman Leavitt:

I was just reading the bill in section 1, subsection 3, where it states "powered primarily" by one or more electric motors. Fifty-one percent or more is usually what "primarily" means. Perhaps some clarification as to what that means would be helpful.

Assemblyman Watts:

I believe there will be some other people who may be able to speak to your question. It is my understanding that it has to be the primary fuel source for the vehicle.

Chair Monroe-Moreno:

Seeing no further questions from the Committee, I will open testimony in support of Assembly Bill 377.

Angela Dykema, representing Southwest Energy Efficiency Program:

Southwest Energy Efficiency Program (SWEET) is a nonprofit organization that works to promote energy efficiency and clean transportation across the intermountain and western states. I have personally been involved with clean transportation policy for a number of years. I was previously the director of the Office of Energy, Office of the Governor under former Governor Sandoval, during which time we initiated the Nevada Electric Highway and a number of other projects to advance clean energy and improve Nevada's economy.

I would like to thank Assemblyman Watts for bringing this bill forward. The Southwest Energy Efficiency Program is a strong advocate for Assembly Bill 377 for several reasons, the first of which is it will facilitate the use of electric, long-haul freight transportation. As SWEET has previously noted in these meetings, electricity is the cleanest fuel available.

With the transportation sector being the single largest emitter of greenhouse gases in Nevada, this bill contributes to Nevada's ability to reduce emissions and fossil fuels. It also helps reduce other emissions associated with diesel, with electricity-reducing nitrous oxide by 84 percent and volatile organic compounds by 99 percent, both of which contribute to ground-level ozone, which is a high concern to the American Lung Association.

The bill is also good for Nevada's economy with potential savings for both businesses and consumers. All electric trucks can bring tangible benefits, not just to truck owners whose conventional vehicles can consume thousands of dollars of fuel per year, but also to their customers. Because the fuel bills are passed on to companies that hire trucks to get their goods to market, electric trucks can promise businesses significantly lower and more stable operating costs.

As for the benefits to consumers, a recent article in *Consumer Reports* on the Tesla, Inc. semitruck that will be coming out noted that reducing freight costs could also lower prices of consumer goods and benefit the overall economy, and the trucks themselves will be cleaner and quieter.

Promoting the use of electric trucks will help reduce demand for fossil fuels, which is good for Nevada's economy, environment, and for national security. For these reasons, A.B. 377 is an important step toward the electrification of transportation, and we urge the Committee to support it.

Tony Castagno, Analyst II, Public Affairs, Southwest Gas Corporation:

Southwest Gas Corporation is here to support A.B. 377. Compressed natural gas (CNG) fueling systems can weigh as much as 2,200 pounds more than diesel or traditional gas vehicles. With this added weight allowance, customers can add CNG vehicles to their fleets without giving up any of their payload, which is a good thing. We appreciate the bill sponsor bringing this forward and would encourage the passage of A.B. 377.

Paul J. Enos, Chief Executive Officer, Nevada Trucking Association:

I am here today to testify in support of A.B. 377. This does comport with Fixing America's Surface Transportation Act of the Federal Highway Administration, U.S. Department of Transportation, and does allow these alternative types of vehicles to go on state roads. This still meets all the axle-weight and bridge-formula requirements that are in law, so it is not violating any of those. The Nevada Trucking Association is a member of the SmartWay Program of the U.S. Environmental Protection Agency that wants to have cleaner transportation and reduce emissions. We do believe these are great tools, both CNG and electricity, in terms of helping our industry reduce the emissions that we put into the air.

To answer the question from Assemblyman Leavitt, we do have an exemption for auxiliary power units, which are little devices that allow a truck driver to have a refrigerator, microwave, and television on so he is not idling. There is already an exemption in law for that.

Russell Rowe, representing Tesla, Inc.:

As you know, Tesla's mission is to accelerate the world's transition to sustainable energy. This is another step in that path forward for Nevada and the nation. We love to see Nevada lead the nation in these types of issues, and we fully support this legislation. [([Exhibit EE](#)) was also submitted.]

Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association:

As part of our group, we also represent the heavy-duty truck dealers. Simply put, this bill is going to enable them to do a better job moving forward in the future. We fully support the bill. I would like to thank Assemblyman Watts for reaching out to us and sharing his thoughts on the bill.

Rudy Zamora, Program Director, Chispa Nevada:

Chispa Nevada is an organizing program of the League of Conservation Voters Education Fund. Chispa Nevada supports commonsense solutions that will electrify vehicles, and we thank Assemblyman Watts for proposing this bill.

Truck and other vehicle tailpipes emit dangerous toxins. It has been widely reported that the transportation sector contributes greatly to air pollution. Each year, a new report warns us that poor air quality poses a serious environmental health risk. More Americans die from causes related to air pollution than they do from car crashes and murders combined. For communities of color, environmental pollution is even deadlier. Studies show that while we are the least likely to emit pollution, we are more likely to suffer its harmful impacts on our health, livelihoods, and futures. These effects are felt by generations and will hurt our children and our children's children.

Allowing for greater penetration for electric vehicles will benefit our communities and improve Nevada's air quality. We have fought to electrify school buses through our Clean Buses/Healthy Niños campaign. We similarly want to identify other opportunities to reduce the pollution from fossil fuel-powered vehicles. We urge you to support Assembly Bill 377.

Christi Cabrera, representing Nevada Conservation League:

The Nevada Conservation League is in support of Assembly Bill 377. Emissions from transportation are the No. 1 source of greenhouse gas emissions in Nevada, and our health, economy, and environment all suffer as a result. Diesel vehicles emit large amounts of nitrogen oxide and particulate pollution. These pollutants can lead to or worsen asthma, lung disease, and other respiratory illnesses. Studies have linked air pollution to adverse effects on almost every organ system in the body. Additionally, researchers estimate that nationwide tens of thousands of people die prematurely each year as a result of particulate pollution. This problem will continue to grow unless we pave the way for adoption of low-emission and electric vehicles that are already saving consumers money and reducing health and environmental impacts. We strongly urge your support on this bill.

Chair Monroe-Moreno:

Seeing no further testimony in support, is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

Tess Opferman, Community Liaison, Office of Communications and Community Engagement, City of Reno:

We are neutral to A.B. 377, but we want to bring to the Committee's attention that heavier vehicles cause more wear and tear to our roads. The vehicles in this bill will be causing the most wear to our roads, but because they are electric, they will not pay fuel taxes which pay for our roads. When considering this bill and when considering other pieces of legislation that deal with electric vehicles, we would like the members of the Committee to keep that in mind.

Assemblyman Carrillo:

What kind of documentation do you have that heavier vehicles do damage roads?

Tess Opferman:

I will have to get back to you on that in terms of documentation. The City of Reno and the Washoe County Regional Transportation Commission have both realized heavier vehicles do cause more damage to the road. I would be happy to get back to you with documentation.

Assemblyman Carrillo:

We have heard testimony in the past that says otherwise.

Debbie Martinez, Management Analyst III, Motor Carrier Division, Department of Motor Vehicles:

On behalf of the Department of Motor Vehicles, I am here today to testify in the neutral position on A.B. 377. I would be happy to answer any questions from the Committee.

Chair Monroe-Moreno:

Are there any questions from the Committee? [There were none.] Seeing no further testimony in neutral, are there any closing remarks from the sponsor?

Assemblyman Watts:

I think this is an important bill for improving our air quality and for improving our economic development, because we know that we are actually lucky to have some of these innovative vehicles being developed and deployed right here in our state. It is important for our competitiveness moving forward. About 25 states have already passed legislation related to exemptions for natural gas vehicles, but the federal regulations for electric vehicles were just put into place in January of this year. Nevada can be a leader in making it clear that we are welcoming these clean, alternative-fuel vehicles on our roads.

I did talk with folks from the Department of Transportation. These vehicles are designed in order to disperse weight so there is no additional damage to the roads, despite the overall increase in weight for these alternative-fuel vehicles. I urge your support for A.B. 377.

Chair Monroe-Moreno:

I will close the hearing on Assembly Bill 377. Is there anyone here for public comment, either in Las Vegas or Carson City? [There was no one.]

This meeting is adjourned [at 3:52 p.m.].

RESPECTFULLY SUBMITTED:

Lori McCleary
Committee Secretary

APPROVED BY:

Assemblywoman Daniele Monroe-Moreno, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony and a conceptual amendment for [Assembly Bill 476](#), dated April 2, 2019, presented by Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27, and Assemblyman Al Kramer, Assembly District No. 40.

[Exhibit D](#) is a copy of a PowerPoint presentation regarding [Assembly Bill 344](#), presented by Craig Stevens, Senior Manager, Government and Regulatory Affairs, Cox Communications, Inc.

[Exhibit E](#) is a proposed amendment to [Assembly Bill 344](#), presented by Craig Stevens, Senior Manager, Government and Regulatory Affairs, Cox Communications, Inc.

[Exhibit F](#) is a copy of a PowerPoint slideshow submitted by Fran Almaraz, representing Teamsters Local 631 and Teamsters Local 986, International Brotherhood of Teamsters, in support of [Assembly Bill 337](#).

[Exhibit G](#) is a document titled "Nevada Statewide Survey Two-Person Crew," dated January 2019, submitted by Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers, in support of [Assembly Bill 337](#).

[Exhibit H](#) is written testimony, dated April 4, 2019, submitted by Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers, in support of [Assembly Bill 337](#).

[Exhibit I](#) is a document titled "Two-Person Crew Combined Survey Results," dated February 2019, submitted by Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers, in support of [Assembly Bill 337](#).

[Exhibit J](#) is a document titled "Two-Person Crew State Legislation 2019 Progress/Outcomes," submitted by Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers, in support of [Assembly Bill 337](#).

[Exhibit K](#) is a document titled "The Proposed Legislation Does Not Impose An Undue Burden On Interstate Commerce," submitted by Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers, in support of [Assembly Bill 337](#).

[Exhibit L](#) is a document titled "State Statutes RE: Motorists Responsibilities When Approaching A Railroad Crossing," submitted by Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers, in support of [Assembly Bill 337](#).

[Exhibit M](#) is written testimony presented by Charles R. Hogue, Director, Government Affairs, Brotherhood of Maintenance of Way Employes Division, International Brotherhood of Teamsters, in support of [Assembly Bill 337](#).

[Exhibit N](#) is a document titled "Presentation of Materials Supporting Testimony In Favor of Assembly Bill 337 (80th Nevada Legislature)," submitted by Matthew B. Parker, representing Brotherhood of Locomotive Engineers and Trainmen, in support of [Assembly Bill 337](#).

[Exhibit O](#) is written testimony, dated April 4, 2019, submitted by Matthew B. Parker, representing Brotherhood of Locomotive Engineers and Trainmen, in support of [Assembly Bill 337](#).

[Exhibit P](#) is a document titled "In Support of AB337 – Nevada Two-Person Crew Bill," dated April 4, 2019, submitted by Ron Kaminkow, Private Citizen, Reno, Nevada, in support of [Assembly Bill 337](#).

[Exhibit Q](#) is an infographic titled "Safety Has Improved as Crew Size Has Been Reduced," submitted by Nathan Anderson, Senior Director, Public Affairs-Corporate Relations, Union Pacific Railroad, in opposition to [Assembly Bill 337](#).

[Exhibit R](#) is an infographic titled "Rails Are One of America's Safest Industries," submitted by Nathan Anderson, Senior Director, Public Affairs-Corporate Relations, Union Pacific Railroad, in opposition to [Assembly Bill 337](#).

[Exhibit S](#) is written testimony, dated April 4, 2019, submitted by Matthew L. Navarrete, General Attorney-Regulatory, Union Pacific Railroad, in opposition to [Assembly Bill 337](#).

[Exhibit T](#) is written testimony, dated April 4, 2019, submitted by Rod Doerr, Vice President and Chief Safety Officer, Safety Department, Union Pacific Railroad, in opposition to [Assembly Bill 337](#).

[Exhibit U](#) is written testimony, dated April 4, 2019, submitted by Brant Hanquist, General Director, Labor Relations, Workforce Resources, Union Pacific Railroad, in opposition to [Assembly Bill 337](#).

[Exhibit V](#) is a letter, dated March 25, 2019, authored by Don Maddy, Executive Director, State Government Affairs, Burlington Northern Santa Fe Railway Company, and presented by Mark H. Fiorentino, representing Burlington Northern Santa Fe Railway Company, in opposition to [Assembly Bill 337](#).

[Exhibit W](#) is a letter, dated October 2, 2018, authored by Lawrence M. Mann, and presented by Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers, in support of [Assembly Bill 337](#).

[Exhibit X](#) is a document titled "Federal Preemption of State Crew Size Laws," submitted by Lawrence M. Mann, and presented by Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers, in support of [Assembly Bill 337](#).

[Exhibit Y](#) is written testimony, dated February 15, 2019, authored by Lawrence M. Mann, and presented by Jason T. Doering, Legislative Director, International Association of Sheet Metal, Air, Rail and Transportation Workers, in support of [Assembly Bill 337](#).

[Exhibit Z](#) is a proposed conceptual amendment to [Assembly Bill 338](#), dated April 2, 2019, submitted by Assemblyman Jim Wheeler, Assembly District No. 39.

[Exhibit AA](#) is a document titled "Making Nevada Safer," submitted by Assemblyman Jim Wheeler, Assembly District No. 39, regarding [Assembly Bill 338](#).

[Exhibit BB](#) is a document titled "2019 Roadmap of State Highway Safety Laws, 16th Annual Edition," submitted by Assemblyman Jim Wheeler, Assembly District No. 39, regarding [Assembly Bill 338](#).

[Exhibit CC](#) is supporting documentation for [Assembly Bill 338](#), submitted by Assemblyman Jim Wheeler, Assembly District No. 39.

[Exhibit DD](#) is written testimony in support of [Assembly Bill 338](#), submitted by Luis Tosado, Private Citizen.

[Exhibit EE](#) is a letter, dated April 2, 2019, in support of [Assembly Bill 377](#), authored by Ray Fakhoury, Principal, Advanced Energy Economy; Sam Jammal, Senior Manager, Government Relations, BYD Company Ltd.; Sarah Van Cleve, Senior Managing Policy Advisor, Tesla, Inc.; and Kent Leacock, Senior Director, Government Relations and Public Policy, Proterra.