

**MINUTES OF THE
SENATE COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eightieth Session
February 19, 2019**

The Senate Committee on Growth and Infrastructure was called to order by Chair Yvanna D. Cancela at 1:33 p.m. on Tuesday, February 19, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Yvanna D. Cancela, Chair
Senator Chris Brooks, Vice Chair
Senator Moises Denis
Senator Kelvin Atkinson
Senator Pat Spearman
Senator Joseph P. Hardy
Senator James A. Settlemeyer
Senator Scott Hammond

STAFF MEMBERS PRESENT:

Marjorie Paslov Thomas, Policy Analyst
Darcy Johnson, Committee Counsel
Tammy Lubich, Committee Secretary

OTHERS PRESENT:

Amy E. Davey, Administrator, Office of Traffic Safety, Nevada Department of Public Safety
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Holly Welborn, Policy Director, Nevada American Civil Liberties Union
Lynn Chapman, State Vice President, Nevada Families for Freedom; State Affiliate National Eagle Forum
Jeff Church, Chief Watchdog, Reno Tax Revolt

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Chad Dornsife, National Motorist Association
Janine Hansen, State President, Nevada Families for Freedom; State Affiliate
National Eagle Forum
Bob Russo

CHAIR CANCELA:

We will begin the hearing on Senate Bill (S.B.) 43.

SENATE BILL 43: Authorizes the installation and use of an automated traffic enforcement system under certain circumstances. (BDR 43-358)

AMY E. DAVEY, (Administrator, Office of Traffic Safety, Nevada Department of Public Safety):

The Office of Traffic Safety was asked to bring this issue to the Legislature due to a safety study done by the National Transportation Safety Board (NTSB). One of the recommendations in this study, via letters sent to Governor Sandoval's office, was for the State to amend current laws to remove operational and location restrictions on the use of Automated Traffic Enforcement (ATE).

Senate Bill 43 is enabling legislation, not enacting legislating. Senate Bill 43 seeks to permit local governments to utilize ATE, while following certain guidelines and requirements and when there is an identified traffic safety need in their community. Currently, traffic enforcement using photographic, video, or digital equipment for issuance of a traffic citation is limited to hand-held or vehicle installed equipment used by law enforcement per *Nevada Revised Statutes* (NRS) 484A.600.

The genesis of S.B. 43 was the result of a 2017 NTSB study entitled, "Reducing Speeding-Related Crashes Involving Passenger Vehicles", that comprehensively studied causes and trends in speeding-related crashes and countermeasures to prevent these crashes. Established in 1967, the NTSB is an independent federal agency dedicated to promoting aviation, railroad, highway, marine and pipeline safety. The NTSB is mandated by Congress to investigate transportation accidents, determine the probable cause of accidents, issue safety recommendations, study transportation safety issues and evaluate the safety effectiveness of government agencies involved in transportation.

The effectiveness of ATE on reducing crash fatalities and serious injuries is incontrovertible, particularly for side angle or T-bone crashes. These are the

most dangerous type of crashes that occur at intersections and are often caused by red light runners. The ATE is effective for reduction of speed, which continues to be a factor in one third of Nevada's driving fatalities and the presence of law enforcement has a calming effect for aggressive driving.

A 2015 American Automobile Association Foundation survey reported that 70 percent to 80 percent of respondents stated drivers speeding on freeways and on residential streets are a serious threat to their personal safety. Risky driving behavior is a cost-benefit proposition: "If I commit a traffic infraction, will I be caught? Can I get away with pushing through this red light or with driving fast?" The NTSB, National Safety Council, Insurance Institute for Highway Safety, Governors Highway Safety Association, Traffic Injury Research Foundation, National Highway Traffic Safety Administration and Federal Highway Administration validate ATE as an effective tool. We have provided some Nevada data on slide 2 of ([Exhibit C](#)). The ATE can be used in school zones, mounted to school bus stop sign swing arms, in construction and work zones, and in high crash intersections. Additionally, there are positive benefits for pedestrians who are vulnerable when crossing in signalized intersections. The ATE supports work currently in Washoe and Clark Counties to adopt "Vision Zero" safe system approaches for their communities.

In writing this language, best practices learned from 20 plus years of ATE were included. State laws that survived court challenges were looked at. Information on current fines for speeding or red light running in local jurisdictions across Nevada, which are significantly higher than the proposed \$50 penalties, were scanned. Ten years ago in 2009 was the last time this issue was discussed before the Legislature. Nevada's population growth is the fastest in the United States, challenging State and local resources to keep pace, and places an increasing load on existing roadways.

Using technology can allow local jurisdictions to strategically deploy resources to ensure public safety. Automated Traffic Enforcement systems are designed to activate photos when a violation is detected and not to record continuously. You will hear of anomalies, exceptions to the norm, though untold numbers of violations have been issued using ATE across the United States and in other countries. Effective use of traffic safety technology is not beyond our capability.

What are the counterpoints to ATE? Not wishing to be observed electronically while driving. Of course, those vehicles are, in actuality, using public roadways

which are subject to public safety rules. Public perception of possible generated revenues and how those revenues are used. Many jurisdictions have begun specifying what revenues from ATE may be used for. Texas, which has the highest posted speed limits in the United States, allows ATE and specifies that revenues are used to fund the state trauma centers. Senate Bill 43 takes this into account by specifying that the system should be self-supporting and used for traffic safety enhancements in local communities. Proper signal timing is a consideration. Local traffic planning and engineering agencies have indicated they have adopted standardized and recommended signal timing.

Data from some ATE installations show that rear-end collisions may increase due to distracted drivers or potential red light runners slamming on their brakes. However, statistically, rear-end crashes are lower in severity and do not involve fatalities or serious injury. Public education and signage is key to informing road users and help in changing driving behavior. Cameras are already used to monitor highway traffic, alert first responders to issues, secure environments such as parking lots and building perimeters, and placed on dashboards of vehicles, on toll roads and on live stream web cams in popular locations. I ran a Google search on "Live Cams in Las Vegas" and watched traffic on the freeways, vehicle and pedestrian traffic under the Welcome to Las Vegas sign, on Fremont Street and around the site of the Las Vegas Raiders stadium. It appeared our society has in general become more tolerant of being on camera.

On Slide 4 of [Exhibit C](#) is a dash cam picture from a variety of intersections in Las Vegas, taken by the Office of Traffic Safety's public information officer during his regular commute.

Senate Bill 43 provides enabling language for the use of ATE by local jurisdictions. The bill contains requirements that are considered best practices for the use of ATE, including conformity with standardized signage and signal timing, public education and awareness, law enforcement review of violations, exception from criminal driver's license and insurance penalties, an appeal process and allocation of revenues to target public safety initiatives.

Senate Bill 43 does not enact the use of ATE. To be clear, this is enabling language and not enacting language. The implementation of ATE is at the discretion of local governments if they can demonstrate there is a proven problem. Senate Bill 43 does not infringe on privacy, impact driving privileges,

increase insurance costs and does not extend government over-reach. Senate Bill 43 reduces State level oversight of local community traffic safety.

Senate Bill 43 has several options, including amendments to provide additional requirements for ATE use, before and after installation traffic data for continued use placing a cap on violation fees; and use only in certain locations, such as school or work zones. New York just passed a law using ATE specifically in school zones. The state of Virginia uses ATE specifically and only in construction zones. Automated Traffic Enforcement can be used in high pedestrian traffic areas or in counties with larger populations.

Further options are amending revenue designation, allowing more flexibility for local jurisdictions to determine how revenue should be allocated, mandating the length of time camera images are maintained and for what purpose they can be used.

I believe work was done in the interim to look at certain traffic infractions being considered, such as civil penalties, rather than criminal penalties. There is an opportunity during this Session to look at a way ATE can be set up with other considerations and include amendments to align S.B. 43 with other traffic proposals.

SENATOR SETTELMAYER:

With the recent winter storms, some lights and cameras have been obscured, causing problems with detection of a car. In Nevada, if a car is at a light for two cycles, it has the right to go through. Will the red light cameras have enough optics to detect if a car has waited two cycles when it takes the photo of the car running the red light and do other states have that ability?

Ms. DAVEY:

I cannot speak to the technology involved in the camera systems. There is an appeal process to remedy those kinds of concerns and a requirement that the violation or the photographs taken be reviewed by an employee of the law enforcement agency. At that point, they could potentially detect that there were environmental issues.

SENATOR SETTELMAYER:

I have a problem supporting a bill that would not have the ability to have multiple camera angles to ensure that constituents are within road areas and no

desire to turn this over to the *Nevada Administrative Code*. This is a situation that needs to be cleared up within our NRS before I can support it.

You brought up a very interesting point, the manufacturers. These individuals wish to sell this technology because they are selling something. If this bill goes forward, I would like to see if other states have added a one second delay to the yellow, so when it is under yellow they get one more second and if it is a red light camera there should be a one-half second delay between the clicking of the red to the taking of the photo. There is no increase in the number of accidents on the instances I have run across with the one-half second, but it is 90 percent of the tickets. In the camera footage you showed, clearly one car ran the red light. I would have to get out a stopwatch to tell if the other cars ran it at one-half second, a tenth of a second or a third of a second. That would have to be in the NRS before I would even think about it.

Ms. DAVEY:

I agree that you would want the use of the ATE to be for an intentional act and not for a car entering on a yellow or one that gets caught in the intersection on a red.

SENATOR ATKINSON:

When this bill was presented in 2009 there were statistics that showed rear-end accidents actually went up after the cameras were installed. Has that changed?

Ms. DAVEY:

Yes, there are some.

SENATOR ATKINSON:

Are those statistics still true today from when it first was implemented? Do the statistics show accidents at those intersections increased until people got used to it?

Ms. DAVEY:

There are some studies that show, at certain intersections, rear-end collisions can increase. There is an adjustment period for people to adjust their driving behavior. The cameras are intended to help people adjust their driving behavior to more safe driving methods, but yes, there are some statistics that show rear-end collisions increased. Rear-end collisions tend to be less severe collisions, in terms of injury, than a T-bone collision. It is the difference between

eight feet of metal behind you and eight inches of metal with a vehicle coming high speed into you.

SENATOR ATKINSON:

I understand that. I am not talking about the severity of an accident. Is there a vendor already being discussed?

Ms. DAVEY:

No, absolutely not.

SENATOR ATKINSON:

Once the vendor is selected, who would have the responsibility of overseeing where the personal information would be stored?

Ms. DAVEY:

I want to be clear, the State is not proposing to implement ATE or put up cameras. This is enabling legislation for local jurisdictions. For instance, if the City of Las Vegas wanted ATE for their community, they would have to request a proposal process. This is according to their own requirements for selection of a vendor. The data storage would have to be decided at the local level and in conjunction with the proposal process.

SENATOR ATKINSON:

If North Las Vegas decides to use an ATE, would they have to work out with the vendor who stores the information?

Ms. DAVEY:

That is not contemplated in this legislation. Should they decide to enter into a contract, it would be done at the local level.

SENATOR ATKINSON:

Is ATE revenue producing and is there any uniformity to the fees that would be charged?

Ms. DAVEY:

There is typically revenue, similar to when you receive a speeding ticket. If a law enforcement officer issues a red light running ticket there is revenue and those are different by jurisdiction. Local jurisdictions have the ability to set the fees. We did a survey on what the range was for speeding violations and red

light violations across the State and there were different fees for North Las Vegas, Las Vegas, Mesquite, Henderson and Boulder.

SENATOR ATKINSON:

You stated earlier the camera takes a picture of the front license plate. Does the camera also take a picture of the person driving?

Ms. DAVEY:

In discussions I had with the vendors, there are different types of systems. The ones I have seen take photos of the license plate, and of the driver. However, the language in S.B. 43 speaks to the citation being done based off of the registered owner.

SENATOR ATKINSON:

There is no uniformity. Are we to let the cities decide for themselves what rules they are going to follow?

Ms. DAVEY:

The legislation does not propose to set different standards. We did try to include some standards that could be applied uniformly.

SENATOR ATKINSON:

I am concerned setting up legislation that is not uniform.

SENATOR DENIS:

Do most intersections currently have some type of camera? Can we just increase the pause between the lights?

Ms. DAVEY:

I am not an expert. There are cameras for traffic monitoring and first responders changing signals. I believe they can be used for analyzing traffic infractions. I do not believe the data is saved on those cameras.

With respect to light timing, the concern is people adjust their behavior to the light timing. If you make the light longer, they push it out further. It is human behavior to adjust to circumstances and decide that you want to try and get through the light.

SENATOR DENIS:

Would these cameras be placed only in areas of high crashes?

Ms. DAVEY:

The language in this bill does stipulate that local jurisdictions need to be able to validate that the intersection is a high crash area and that typical law enforcement has not been effective. This is based on local jurisdictions deciding where the cameras would be used.

SENATOR DENIS:

One of the concerns is that the ATE is going to be used as a revenue source. Where the ATEs have been implemented there is a fee charged for a ticket; have any of the areas looked at the cost for the system and only charge enough to pay for the system?

Ms. DAVEY:

I do not know the answer. We did see more jurisdictions specifying how the revenue could be used. Texas was using the revenue to fund their trauma centers. There are some areas that use the revenue to fund other traffic safety improvements.

SENATOR HAMMOND:

We have been talking about differences between city jurisdictions. Coming from Las Vegas to Carson City you have to get used to the fact that yellow lights only last a second and a half, maybe two seconds. I can only imagine going from one municipality to another when you are talking about red lights and cameras. Second, the license plate laws in Nevada do not require a license plate on the front. Will this be addressed?

Ms. DAVEY:

I do not want to speak on behalf of the manufacturers or vendors. I believe the system can do either the front or rear license plates.

SENATOR HAMMOND:

In section 2, subsection 10, it basically states law enforcement officers are not prohibited from giving a ticket in the same place that a camera exists. My concern is that a police officer issues a ticket and the camera catches the same infraction and sends out a ticket. Now there is a potential of having two citations, one from the police officer and one coming in the mail 30 days later

with another 30 days to respond. It now becomes an issue where the citizen is being burdened one more time because they have to prove they already received a citation or prove they were not driving the car. The burden of proof goes to the owner who is now guilty and has to prove their innocence. Most laws passed in the United States are "you are innocent until proven guilty". This seems to be the reverse. I would want to make sure two citations are not delivered and I do not like the way the due process reads in this bill.

Ms. DAVEY:

In terms of a double citation, there is a requirement in the language that a law enforcement agency review any ATE violation before it is sent out. Presumably, law enforcement has a citation system that match up or connect when there is more than one citation.

The language was put in to address a red light violation situation where the camera takes a photo, but at the same time, a crash is also witnessed by a law enforcement officer who was present at an intersection. Subsequent to that, there is a driving under the influence arrest or some other type of violation. The provision was put in to allow law enforcement to continue to address any issue that takes place in that intersection. It is not intended to be any type of double jeopardy. It is intended to address any other type of issue and to supersede photo enforcement at that point.

I understand the concerns about registered owner versus driver. I have to go back to a parking citation. No one knows who was driving the car, how it got there or who parked it. They just know it is not to be parked there and a citation is left on the windshield. This is why we looked at taking it out of a criminal infraction and making it a civil infraction.

CHAIR CANCELA:

Has any municipal entity asked you to bring forward this legislation?

Ms. DAVEY:

Yes. When the NTSB safety study came out, the Governor's Office was contacted by a member of a Washoe County government agency. Subsequently, they contacted me.

SENATOR HARDY:

We have identified that you cannot have an increase in your insurance rate if you have been so cited. How much will the people save in insurance rates when this goes forward, and in general, have their insurance rates gone down?

Ms. DAVEY:

I cannot speak to any certainty on the insurance rates. We would have to poll the insurance industry. I am aware, as you are, that risk factors in states' laws and in states' driving behavior which come into play when insurance companies set rates. I know the ATE is supported by the Insurance Institute for Highway Safety.

SENATOR HARDY:

So the insurance companies would not mind putting that in part of the statute?

SENATOR ATKINSON:

Going back to Senator Settelmeyer's question concerning weather related red light running, did I hear you correctly concerning an appeal?

Ms. DAVEY:

The appeal process in S.B. 43 does not propose to go into a court process. The appeal process is an administrative remedy, so you would not go to court. An appeal would be made through the administrative process, which is determined by that jurisdiction.

SENATOR ATKINSON:

In 2005, Senator Raggio sponsored S.B. No. 251 of the 73rd Session that no longer required the front license plate under certain circumstances. In S.B. 43 it states the front license plate. We would then have to reverse that law. Did you say the ATE could photograph the front or the back license plate?

Ms. DAVEY:

You are more knowledgeable than I am on the license plate law.

SENATOR ATKINSON:

In 2009, we talked about some of the concerns California citizens had pertaining to red light cameras. California started out as red light cameras, then those cameras were being used to ticket for other violations, such as U-turns and rolling stops. Does this language clarify that the cameras are just for red

lights or could they start expanding it once the cameras are in place? Does S.B. 43 stop the violations for U-turns and rolling stops?

Ms. DAVEY:

The language in the first section specifies three Statutes, NRS 484B.300, 484B.306 and 484B.600. These are specific to traffic lights and speed.

SENATOR ATKINSON:

If a city wanted to amend S.B. 43 and start using it for other things, would they have to come back to the Legislature?

Ms. DAVEY:

Yes.

SENATOR ATKINSON:

I understand cities can decide if they want to use the ATE cameras and I can tell you that they will appear first in low-income communities. The more affluent communities will decide that they are not going to use them. This is where uniformity is important and concerns me. There are more ATE cameras in Los Angeles low-income communities than in the affluent communities like Brentwood and Crenshaw.

Ms. DAVEY:

We did an analysis or review of infractions. If you run a red light in North Las Vegas, the fine is \$308. Senate Bill 43 sets the fine at a \$50 minimum. This does not mean a city could not set a higher citation fine and put it in alignment for a police officer witnessed violation charge. But it is quite lower than \$308.

SENATOR ATKINSON:

There is no way a city is going change a \$308 fine to \$50. If a city is making a certain amount of revenue, they will figure out this law and figure out how they want it to conform it to what they want.

SENATOR HAMMOND:

In section 2, subsection 4, it mentions the citations have to be reviewed by an employee of a law enforcement agency. Senate Bill 43 is giving a direction and this is one of those pieces of direction. Can you give me an idea of what type of qualifications that person should have?

Ms. DAVEY:

Many jurisdictions require that a law enforcement officer actually review the violation and many state laws require the same. There were some concerns from local law enforcement with taking an officer off the street and the fiscal impact it may cause. Therefore, we did not require the person be a law enforcement officer, but an employee of a law enforcement agency. Some states say it can be a records clerk or a person of that nature. For the most part, it is a law enforcement officer in an agency that reviews the violation.

SENATOR HAMMOND:

Should you not put a minimum qualification in statutes? Subsection 5 states the citation must be sent 30 days after the alleged violation and language from subsection 6 to 9 must be included. It is important to tell them these are their rights. I want to make sure that small print is not being used when sending this out. We want to make sure they clearly know what their rights are. Do you have an idea of what font will be used?

Ms. DAVEY:

We were trying to strike the middle ground using enabling legislation to allow local jurisdictions a comprehensive way to address public safety issues.

SENATOR HAMMOND:

If you are not specific when using enabling legislation in some areas, they might want to put this citation on the smallest paper and put the language in the smallest possible font to cut costs. We want to make sure that if people have these rights they are easily readable.

CHAIR CANCELA:

I will now open the floor to support for S.B. 43.

CHUCK CALLAWAY (Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department):

I am here in support of S.B. 43, because it is enabling legislation and Nevada is not a one size fits all State. We have more urban and rural areas. Giving our law enforcement the tools needed to deal with various situations can be beneficial. The language in S.B. 43 requires that all other means have failed and conventional traffic enforcement in certain areas has not worked. The ultimate goal is to save lives and make our roads safer. If there are additional tools we

can use, we fully support and understand it will be incumbent on the local governments to figure out the regulations and the processes.

ERIC SPRATLEY (Executive Director, Nevada Sheriffs' and Chiefs' Association):
Our main basis for support is the ability to have the conversation at the local level to see if this can be used for public safety.

SENATOR ATKINSON:

You stated that if all else fails, this is the next tool. How do you determine "when all else fails" and how do you prove the "all else has failed" to us?

MR. CALLAWAY:

An example would be the Sahara and Decatur intersection where there are a lot of vehicle and pedestrian accidents. We will assign traffic officers on motorcycles to watch the intersection for a few days, things calm down and drivers abide by the rules. We will leave and go to another hot spot and almost instantly drivers go right back to doing the same old thing. We then try another approach by having someone dressed up in a turkey suit and walk across the crosswalk to catch the drivers who do not yield. When that does not work and all other nonconventional means of enforcement have been exhausted, the sheriff reaches out to the bureau commander. At that point, as a last resort, the local government could put up a red light camera to help deter some of the accidents.

SENATOR ATKINSON:

Is there any data from cameras at intersections?

MR. CALLAWAY:

We do not use cameras for traffic enforcement that is against State law. We have cameras that are real time, live feed in the fusion center. The Southern Nevada Counter Terrorism Center (SNCTC) cameras are set up and used if there is a high crime area where robberies or thefts are occurring. The camera has flashing red lights and police written on the side. Crimes start to go down once the camera goes up, but after a week the camera is moved and the robberies and thefts tend to heat back up. These are tools used to try and keep our community safe.

SENATOR ATKINSON:

Does the camera track anything that can be used for a ticket later?

MR. CALLAWAY:

The cameras are live feeds and an officer in the fusion center monitors the camera. There have been cases where an officer is monitoring the camera, sees a crime occurring before it is called into the police, and we were able to take action. If enacted, I envision our agency using this at the local level and possibly use a police officer, who may be on light duty status, to review the camera information to see if a citation warrants being sent out.

HOLLY WELBORN (Policy Director, Nevada American Civil Liberties Union):

We oppose S.B. 43. Nevadans are already subject to an enormous amount of government surveillance on a daily basis and do not need any more of this type of oversight. We have a lot of concerns about what the cameras are capturing. Are the cameras just capturing the license plate or are they capturing something else? We are opposed to this type of technology, or any kind of surveillance technology, because of the possibility of abuse by law enforcement. Not all law enforcement officers are bad actors, but there are abuses. I presented testimony to the Judiciary Committee describing data taken from a fusion center similar to the one described by Mr. Callaway. This data was used against the Standing Rock protestors in South Dakota. The more information that law enforcement is able to acquire, the more imposition on our privacy rights as Nevada residents.

We appreciate this bill is attempting to take an appeal process into consideration, but we believe it is insufficient. Who has the jurisdiction to consider these appeals and who is looking at those appeals when people are ticketed? I do not see a lot of people participating or taking advantage of the appeal process.

There are about six studies for public safety that counter what was presented today. These studies show there is very little benefit to safety due to red light cameras and actually show increased harm. Twenty-six states do not have this type of surveillance technology and Iowa, California and seven other states are looking to repeal red light cameras due to the enforcement nightmare. Senate Bill 43 could also marginalize communities that may not be able to afford the tickets. Senate Bill 43 has \$50 as the minimum fee and municipalities can charge as much as they want. This will affect marginalized communities at a disproportionate rate.

LYNN CHAPMAN (State Vice President, Nevada Families for Freedom; State Affiliate National Eagle Forum):

We are opposed to S.B. 43. In March of 2009, while listening to a talk radio show, state Representative Barry Loudermilk from Georgia discussed the red light cameras claiming they violated the Fourth Amendment to our Constitution. He also stated, when the cameras were installed in Georgia, it reduced the yellow light by one second and was used as a revenue ploy. The state legislature removed them. Representative Loudermilk said when Georgia did a test by putting the one second back on the yellow light time, the red light running was reduced by 80 percent and accidents were reduced by 30 percent.

There are plenty of class action lawsuits around the country because of these cameras. There were hundreds of Floridians who joined a class action lawsuit and critics said the cameras violated due process and equal protection rights. In 2012, a lawsuit in Chicago raised more than \$500 million where there were more than 350 cameras with \$100 tickets since 2002. Mayor Rahm Emanuel's administration had to pay out a \$38.75 million settlement in a class action lawsuit.

The Chicago Tribune sponsored a study on the red light program and found that nearly 40 percent of intersections equipped with the cameras were making the streets more dangerous. The cameras caused a 22 percent increase in rear-end crashes and provided no safety benefits at intersections that never had a problem with right angle crashes. Eric Shrum, a spokesman for the National Motorist Association in Wisconsin, stated that all these things start off as a guide for safety, but in reality have the potential to be used against you and is a revenue generator.

JEFF CHURCH (Chief Watchdog, Reno Tax Revolt):

I am a retired sergeant for the Reno Police Department and former police officer from San Diego. San Diego received \$1.9 million in revenue from red light cameras, of which only \$200,000 went to the City. The number one generator was a left turn lane by the airport where cars were stuck in the intersection and speeding was not involved.

Any kind of incentive or commission should be removed for a contractor. There should also be a point where a certain number of tickets at an intersection would require a look at a redesign of that intersection, or better timing of the lights. This is a revenue issue, not a safety issue. I want to point out that

section 8, subsection c of the bill shows a minimum, but no maximum is defined. In San Diego, the fee was \$480 for the red light. This year I received a red light ticket from Washington, D.C. from 2011 of which I have no recollection and I was never able to defend myself. The information was turned over to a collection agency affecting my credit and my personal data.

CHAD DORNSIFE (National Motorist Association):

I am one of the National Motorist Association experts on this issue. I am also on the California Traffic Control Devices Committee, a subcommittee that sets signal timing and speed limit laws in California. I have been on that Committee for seven years. In that seven year period, we have caused every speed limit and every signal timing in the State of California to be reviewed to make sure they are properly set and fact-based.

I can state, with no worry of being contradicted, the State does not do proper engineering studies. Their speed limits are under-posted and during my research, one Nevada Department of Transportation record showed a signal timing was a full two seconds under the prevailing speed of traffic. The rule of traffic engineering is the engineer is to determine the public consensus for a particular road, the operating speed of that road and to make sure all traffic control devices are set to that. Nevada under posts the speed limits, and sets the signal timing to the speed limits which make all the red lights short on yellow. There is a formula for reaction, distance and response time for when someone is approaching. When a driver is not given an adequate time to stop, they make a choice to go through or stop.

I have actual information, not my opinion, from Georgia and Florida, on the school bus, school zones and work zones concerning the insurance side and what the underwriters were doing to the citizens. I can give you the actual underlying facts from Georgia. One of the biggest revenue producers in Georgia was a freeway coming down to a surface street. The speed limit was set about 50 feet before the intersection and they were writing the tickets at the intersection, but the approach speed was freeway speed.

JANINE HANSEN (State President, Nevada Families for Freedom; State Affiliate National Eagle Forum):

There are a couple of issues I do not believe have been adequately covered. One is the abuse and corruption in the system. In Arizona, state Representative Travis Grantham stated that everyone in the country should be concerned about

this type of law enforcement action, especially when it is so rife with corruption. In one case in Arizona in 2016, a former traffic light enforcement camera vendor was sentenced to prison for bribery and fraud. Every aspect is wrong when you add the equation "for profit" into the mix. It presents an opportunity for fraud. They saw companies influencing what would be determined as the traffic enforcement in order to make more money.

Sixteen municipalities around the country held public referendums against these programs and they have all been successful. Major cities like Los Angeles, Atlanta, Raleigh and Houston rejected red light cameras after initially approving them. Americans rightly feel outraged when they believe others game the system to use our law as a way to pick their pockets.

I looked up an issue from the Federal Reserve on a survey of household economics and decision-making. One question asked was, if you had a \$400 expense, how would you be able to pay for it? It was incredible that four out of ten American adults said that they would not have \$400 cash to pay for an emergency. Some could have borrowed the money or they could have sold something. Eleven percent did not even have the ability to borrow from others or sell something. This is a revenue scheme that will most particularly hurt those who are least able to pay. We are opposed to S.B. 43.

BOB RUSSO:

I oppose S.B. 43. I came to Nevada from a city in California that had these cameras and personally found myself as a driver being very cautious, almost too cautious, when I approached the intersection. I can see where being overly cautious and stopping when you do not need to stop could cause a rear-end accident.

My other concern is the privatization of law enforcement. I just do not think it is a good idea, because when profits are involved there is a chance for abuse to occur. I do not like the idea of private companies holding data of local motorists. Regarding the Sixth Amendment, if we are given a citation we are unable to face our accuser, since the accuser is a traffic camera.

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CHAIR CANCELA:

I will close the hearing on S.B. 43. Seeing no public comment the meeting is adjourned at 2:46 p.m.

RESPECTFULLY SUBMITTED:

Tammy Lubich,
Committee Secretary

APPROVED BY:

Senator Yvanna D. Cancela, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 43	C	5	Amy E. Davey / Administrator, Office of Traffic Safety, Nevada Department of Public Safety	Presentation