

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

**Eighty-First Session
May 4, 2021**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 1:36 p.m. on Tuesday, May 4, 2021, Online and in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Daniele Monroe-Moreno, Chair
Assemblyman Howard Watts, Vice Chair
Assemblywoman Tracy Brown-May
Assemblyman John Ellison
Assemblyman Glen Leavitt
Assemblyman C.H. Miller
Assemblywoman Sarah Peters
Assemblyman Tom Roberts
Assemblywoman Shondra Summers-Armstrong
Assemblyman Jim Wheeler
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Dallas Harris, Senate District No. 11

STAFF MEMBERS PRESENT:

Katie Siemon, Committee Policy Analyst
Jessica Dummer, Committee Counsel
Devon Kajatt, Committee Manager
Lori McCleary, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

Justin Jones, County Commissioner, Clark County Board of Commissioners
Susan Fisher, representing PeopleForBikes
Christi Cabrera, Policy and Advocacy Director, Nevada Conservation League
Deborah Kuhls, Private Citizen, Las Vegas, Nevada
Anne Macquarie, Member, Clean Transportation for All, Toiyabe Chapter,
Sierra Club
Heather Fisher, President, Save Red Rock
Doralee Uchel-Martinez, Private Citizen, Reno, Nevada
Sam Wempe, Director, Government Relations and Public Policy, Motional, Inc.
Matthew Walker, representing Motional, Inc.
Justin Watkins, representing Nevada Justice Association
Wesley Harper, Executive Director, Nevada League of Cities and Municipalities

Chair Monroe-Moreno:

[Roll was called. Committee rules and protocol were explained.] Today, we will be hearing three bills. We have three people in the audience today. Thank you so much for joining us here in person. The Committee is eager to hear from you. I will open the hearing for Senate Bill 285 (1st Reprint) and welcome, Senator Harris, to the Assembly Committee on Growth and Infrastructure.

**Senate Bill 285 (1st Reprint): Revises provisions relating to transportation.
(BDR 43-965)**

Senator Dallas Harris, Senate District No. 11:

I am presenting Senate Bill 285 (1st Reprint), which deals with bike safety. Also here to present with me is former Nevada State Senator Justin Jones, currently Clark County Commissioner Jones. I believe he is available by video.

It is impossible to have a hearing on a bill about bike safety without remembering the tragic and needless deaths of the five bicyclists on U.S. Route 95 last year. While the changes in S.B. 285 (R1) will not solve the problem of impaired drivers, the first part of the bill makes some changes to the rules of the road to help bicyclists and improve safety.

During the pandemic lockdowns, both nationally and internationally, people have rediscovered bike riding for both exercise and recreation as well as a commuting option. In a response to the increase in bike traffic, cities in the United States and around the world have closed streets to car traffic to make them safer and more bike and pedestrian friendly. This is great news for the environment and for public health. The questions are as follows: How do we keep this momentum going? What can we do to keep people using bikes for commuting and recreation and do it safely?

Surveys and common sense tell us people are more likely to use bikes if they feel safe, and they feel safe when there is a dedicated bike lane or bike path separated from the road. The second part of this bill is a nudge toward more and safer bike routes.

Now I will walk you quickly through the bill's provisions. Section 1 expands the curriculum in driver training courses to include the rules of the road and laws relating to bikes and pedestrians. Too many drivers are not familiar with the rights of bicyclists and pedestrians, and informed drivers make the roads safer.

Section 2 clarifies that it is legal for a motor vehicle to cross over the center line, even in a no-passing zone, in order to pass a bike or an electric scooter (e-scooter), unless, of course, it is unsafe due to oncoming traffic, roadwork, or other unsafe road conditions.

Section 3 clarifies that bicyclists and e-scooter riders do not have to ride to the far right of the road if there are surface hazards or objects in the way, or if the travel lane is too narrow to safely fit both a bike and a vehicle.

These proposed changes to our bike laws are based, in part, on model legislation from The League of American Bicyclists and have been used in other states.

Before I go through sections 4 through 7, I need to give you some quick background on a program known as Complete Streets. Complete Streets may sound vaguely familiar and the reason why is every time you renew your vehicle registration, the Department of Motor Vehicles (DMV) asks if you want to contribute \$2 to Complete Streets. That \$2 donation goes toward matching federal funds and dates back to 2013, when the Legislature enacted Assembly Bill 145 of the 77th Session authorizing the Department of Transportation (NDOT) and local governments to adopt the Complete Streets program. At least 35 other states and literally hundreds of communities have enacted Complete Streets policies. Just Google it if you do not believe me.

These programs focus on the construction and retrofitting of streets and roads to support mobility and safety for all users, including children, older persons, persons with disabilities, pedestrians, bicyclists, as well as all forms of motorized traffic. And Complete Streets policies operate at all levels: federal, state, local; and at all stages: planning, designing, and construction. The concept encompasses bike lanes, bus lanes, sidewalks, crosswalks, medians, and all the improvements that make roads safer regardless of your mode of transportation.

Senate Bill 285 (1st Reprint), sections 4 through 7, updates the Complete Streets statutes to reemphasize the need for NDOT, the cities and counties, and the two regional transportation commissions to continue to work toward incorporating bike and pedestrian facilities into new roads or when retrofitting existing facilities.

The bill also makes a subtle update to the list of users to be more inclusive. Please note that I used the words "continue to work toward" because Complete Streets policies are currently in use all over Nevada—we just need to do more.

That concludes my remarks. I would be happy to answer any questions, but before I do so, I would like to turn over the remainder of the presentation to Commissioner Jones, who will speak to the importance of the bill at the local level and to the biking community.

Justin Jones, County Commissioner, Clark County Board of Commissioners:

I also serve as the Vice Chair of the Regional Transportation Commission of Southern Nevada (RTC) and as the Chair of the Southern Nevada Regional Planning Coalition. I want to thank Senator Harris for allowing me the opportunity to work with her on S.B. 285 (R1), something that I hold near and dear to my heart.

Senate Bill 285 (1st Reprint) was drafted in consultation with cycling and pedestrian safety advocates and reflects model language from The League of American Bicyclists and the National Complete Streets Coalition. As Senator Harris described, S.B. 285 (R1) accomplishes three important objectives to include safety for cyclists, pedestrians, and other roadway users. First, the bill adds a requirement for driving schools to include instruction on the rules of the road relating to pedestrians and cyclists. Second, it clarifies the rules of the road when it comes to cyclists and motorists in the roadway, specifying circumstances when a cyclist may ride in the roadway for safety reasons. Finally, the bill updates provisions related to Complete Streets to ensure all users of the roadway of all ages, including pedestrians and cyclists, are considered in the design of roadways. These proposed changes are consistent with Clark County's recent efforts to clarify its rules of the road relating to cyclists and to prioritize consideration of Complete Streets principles.

The RTC serves as the metropolitan planning organization (MPO) for southern Nevada. As the MPO, RTC has also prioritized multimodal transportation, Complete Streets design elements, funding for multiuse paths and infrastructure, and cycle and pedestrian safety. Senate Bill 285 (1st Reprint) aligns with the RTC's priorities, also.

The Southern Nevada Regional Planning Coalition oversees the Regional Open Space and Trails Workgroup program, which plans connected bike and pedestrian trails throughout the south valley. Senate Bill 285 (1st Reprint) would advance the goals of the Regional Open Space and Trails program.

I wear a lot of hats, but my favorite head covering is my bike helmet. Like so many, I love to just get out there and ride, as I did with so many cyclists this past Sunday, to celebrate our Ride Safe: Know Before You Go program with the Southern Nevada Bicycle Coalition. To be honest, it has been a little concerning after the recent tragic deaths of five cyclists. In addition to the recent cycling tragedy, there are just too many pedestrian deaths in Nevada, all of which are avoidable with better infrastructure, education, and enforcement.

Senate Bill 285 (1st Reprint) will not solve all of these issues we face when it comes to safety for cyclists, pedestrians, and other vulnerable road users, but it is an important step forward. Again, I am grateful that Senator Harris was able to put this bill forward. I am grateful for your time and would ask for your support.

Chair Monroe-Moreno:

Are there any questions from members?

Assemblywoman Brown-May:

Senator Harris, I sincerely have to say thank you for bringing this bill forward and for working with Commissioner Jones on this issue. As an avid cyclist in my community, the roadway is something that I share often. I rode over 1,000 miles last year alone.

My question is relative to the Complete Streets program. I have long been an advocate and proponent of Complete Streets and often ask questions when we do our planning relative to work on Complete Streets and the planning process of many of our roadway construction items. I am curious to know if there has been any conversation regarding modifying Complete Streets. The reason I bring that up is, having met with advocates in my district who are very interested in roadway paving and reworking, sometimes Complete Streets can be a bit intimidating, in that it is for buses as well as other mobility transportation as opposed to secondary routes. I am curious to know, in this process as we move this bill forward, has there been any conversation or consideration with regard to modifying the Complete Streets expectations to encourage cyclists or pedestrians to be more removed from traffic?

Senator Harris:

I have had discussions with NDOT as well as the RTC. I have assured them that this bill would not substantially change the Complete Streets program as it stands today. What I am trying to do is further incentivize them to think a bit more expansively. One of the issues I ran into is the fact that there are a lot of projects already underway. I was able to confirm that this would not require them to go back to do replanning, but it really should be put into place, thinking about moving forward.

I think you bring up a great point and at some point, if I have another bill next session to reform the program completely, I would be more than willing to look into that. However, thus far, this program has been mainly locally driven. As you can see in the statute, our reference is fairly sparse here in state statute. It just says "adopt a policy and carry out projects" as part of the Complete Streets program. I am open to looking into ways that we can improve the program overall, but this bill does not go into that much detail on that program.

Assemblywoman Brown-May:

I appreciate your efforts on behalf of all cyclists and pedestrians. Thank you for the good work.

Assemblyman Leavitt:

If I am reading this correctly, this is a mechanism to utilize Complete Streets in a more effective way. Is that what we are looking at here? I am trying to make the connection if you could help me out there. Then I have a question if you can help me with that.

Senator Harris:

I will do my best, Assemblyman. As far as the Complete Streets program, just keep in mind that is one out of a couple of pieces in this bill. In relation to that, you can see in section 4 what we are doing is trying to make it a bit more explicit and a bit more clear. To the extent practicable, the projects have to integrate bike lanes, bicycle routes, facilities, signs, and designs in design, plans, construction, and maintenance of roads. We are giving a little bit more direction on what the Complete Streets program needs to take into consideration.

It is my understanding that in most parts of the state, they are doing this fairly well, but that may not be the case uniformly across the state, so we are making that a bit more explicit. It is my hope that this, along with the additional education and driving classes and along with the additional guidance on when it is okay to cross lanes and when it is okay to ride in one lane, will all together lead to safer roads for everyone who uses them—not just bicyclists.

Assemblyman Leavitt:

For transparency, I worked for the RTC for 13 years and have touched Complete Streets in every manner, from outreach to Boulder City Parkway, which was previously U.S. 95 and is the largest Complete Streets project in the state. It was just completed a year or two ago. However, my concern is that Complete Streets on Boulder City Parkway is not utilized very effectively for cycling traffic—they do not tend to use it all that much. I have a very soft heart for the Complete Streets program, having dedicated a lot of my life to it. Unless we can narrow down what "if applicable" means or "to the extent possible" means, forcing or mandating a contractor do a certain thing on a certain street may not be possible or "to the extent possible" in their mind. Is there somewhere in the bill where we can narrow that down so we have a better understanding?

Senator Harris:

I would be more than happy to put on the record that there is no intention for this bill to require anyone to go back and dig up any streets that are already built. "To the extent practicable" does not include having to start a new project that Complete Streets was not already planning on doing.

I would also like to note that this is really about design, planning, and keeping these folks in mind when designing and planning and then eventually constructing the projects. There is no requirement to put a bike lane somewhere where it does not make sense. If it does not make sense, it does not make sense, whether that be because there is not enough biking traffic, or someone's property would have to be taken, or creating a whole new right-of-way. As you

mentioned, the RTC and other entities are well versed in the ability to decide when it makes sense to add in a little bit of extra roadway for bicycling and when it may not. I will leave that to continue to be in their hands.

Chair Monroe-Moreno:

Thank you for the answer to that question. We cannot always put into legislation every specific part of everything that might happen, but putting the actual legislative intent on the record matters for future legislators who come to this building when we are not in these seats. I appreciate your doing that.

The next question is from Assemblyman Miller.

Assemblyman Miller:

I have a question regarding the language. I see that it is existing language as far as "electric bicycles." I am curious, as we move vehicles to more electrification, I realize there is a very distinct difference between a motorcycle and a bicycle. However, with motorcycles potentially not having motors and having electric or battery power, how would those vehicles play into the bill?

Senator Harris:

I have good news for you, Assemblyman Miller, if you just hang on. We have a bill on electric bicycles coming up today [Senate Bill 383 (1st Reprint)]. Ms. Fisher will run through what we are proposing on regulating electric bicycles, in a sense, by creating separate classes. That would allow them to fit into existing roadway laws. Senate Bill 383 (1st Reprint) would work in conjunction here, and where electric bicycles are allowed to be used based upon how fast they go, whether it be the sidewalk or the road, would continue to be true once we pass this legislation.

Assemblyman Ellison:

Under section 4, I am glad you addressed cities with a population of 100,000 or above. At the moment, this bill does not have a fiscal note, but eventually, as we are building roads and expanding, it will. Has NDOT come up with any concerns or fears? Currently, it costs about \$1 million a mile to build a road. I do like the information sheet [[Exhibit C](#)]. Some of these things can be done now by striping. There are many things NDOT can do, but I think once they get further away from the schools and get into roadways—I would not ride a bicycle or a motorcycle in Las Vegas. I just do not do it. Could you address some of my concerns?

Senator Harris:

For the record, I did ride my motorcycle in Las Vegas for quite some time. It is quite dangerous, but that is a whole other discussion we need to have. I am hoping with this bill, we can get more folks riding their bicycles on the road in Las Vegas and doing so safely. As to your question about the fiscal impact, it is my understanding that NDOT is already one of the leaders in the state working in the Complete Streets framework and taking this into consideration. In my discussions with them, they did not see any fiscal impact, as this bill

does not require them to put a bike lane on every road moving forward. It is just about taking these things into consideration, and planning a bit more deliberatively to take all the different modes of transportation into consideration.

Assemblyman Ellison:

I think you are going to address some of the concerns people have riding their bikes. I have a big bike, and I do not even use it on the freeway anymore. Driving in town is about it.

Senator Harris:

I believe the driver safety of this bill is a key piece to address.

Assemblyman Roberts:

I have more of a comment than a question. Thank you for bringing this bill forward. With my time at Las Vegas Metropolitan Police Department, we suffer with great roads, six or eight lanes, in Las Vegas with 45 mph speed limits, but sometimes people go much faster than that. Crosswalks are at each intersection, and we lose a lot of people to pedestrian accidents in Las Vegas. We have worked hard on the engineering aspect to improve our roadways. Recently, as you mentioned, the bicycle accident that occurred on U.S. 95, a guy who used to work with me was in the group. Thank God he is okay, but it is unfortunate that we lose lives on our roadways every year. Officer Don Albietz lost his life on Red Rock Loop. We have made some improvements since then by finally putting a bike path out there. This is really forward-thinking legislation. I appreciate your bringing it forward, and I will fully support it.

Senator Harris:

Thank you, Assemblyman Roberts. I have a couple of other bills you might want to support too.

Assemblyman Watts:

In some of the sections where you are updating the definition of the Complete Streets program, as one example, section 4, subsection 4, you included in the bill "movers of commercial goods." I was wondering if you could provide a little more detail as to why that was added, along with some of the other clarifications that were contemplated.

Senator Harris:

This bill, as I mentioned in my opening testimony, partially derived from model legislation. I wanted to be as inclusive as I could when it came to thinking about all of the users on the road. Movers of commercial goods are a large percentage of folks on the road.

Chair Monroe-Moreno:

Are there any other questions from members? [There were none.] I will open the hearing for testimony in support. Is there anyone here in the room wishing to provide testimony in support of Senate Bill 285 (1st Reprint)?

Susan Fisher, representing PeopleForBikes:

PeopleForBikes is an international organization, a trade association, that represents bicycle manufacturers, bicycle vendors, and the parts and pieces which are the original equipment manufactured products that go onto bikes afterwards. We do support S.B. 285 (R1), and we appreciate Senator Harris bringing forward this bill and also accepting a couple of amendments we made in the Senate that are now incorporated into what you have in the revised bill. We are very pleased she included electric bikes in the bill.

The proposed changes are very positive, and it would align Nevada with what most organizations consider best practices in where-to-ride statutes. Therefore, we support it.

I just want to mention for Assemblyman Ellison's sake, when we are talking about e-bikes, we are not talking about electric motorcycles. There are certain wattage capacities that e-bikes fall under, and that is what we are working on with another bill you will hear today. Electric bikes do not include Razor scooters, Onewheels that look like a skateboard with one wheel, electric scooters, or electric dirt bikes.

Chair Monroe-Moreno:

Is there anyone else here in the room who wishes to provide testimony in support? [There was no one.] We are going to finish up with people in the room before we go to Zoom or the phone lines. Is there anyone here in the room who would like to testify in opposition to S.B. 285 (R1)? [There was no one.] Is there anyone here in the room who would like to provide testimony in neutral? [There was no one.] Is there anyone on Zoom or on the phone wishing to provide testimony in support of S.B. 285 (R1)?

Christi Cabrera, Policy and Advocacy Director, Nevada Conservation League:

We are here in support of S.B. 285 (R1). Providing funding for Complete Streets was a priority of the Nevada Conservation League during the 2013 Session. We strongly believe that expanding the Complete Streets program will have great benefits to our communities and our state. Senate Bill 285 (1st Reprint) will allow our state to move toward creating a safer environment for pedestrians, cyclists, motorists, and transit riders. Expanding bicycle and pedestrian infrastructure will also encourage people to leave their cars behind, reducing traffic and pollution.

Overall, we believe this bill will help make our communities safer, more accessible, and more enjoyable for everyone. We would like to thank Senator Harris for bringing this bill forward, and we urge the Committee's support.

Deborah Kuhls, Private Citizen, Las Vegas, Nevada:

I am a trauma surgeon at the University Medical Center in Las Vegas, which is Nevada's only Level I adult trauma center and Nevada's only pediatric trauma center. I would like to refer the Committee members to a handout that you should have access to [[Exhibit C](#)] that is titled "Complete Streets Policies: Nevada."

The top half of that handout is based upon national data. Based upon that national data, we see that Complete Streets' policies bespeak the risk of death for both cyclists and pedestrians. Those are significant. In the state of Florida, they estimate that over a period of three decades, 3,500 pedestrian lives have been saved. In the upper-left corner, you will see a map of the United States. You can see that Nevada is one of the states that adopted Complete Streets.

The bottom half of the handout focuses on Nevada data. Pedestrians who died or were discharged to hospice sustained a very severe or moderately severe injury. On the upper portion of the graph, the dark portion indicates very serious injuries. We also see a very similar trend in pedal cyclists. On the bottom-right there is a graph that shows age distributions. What is important is that pedestrians have 2.5 times greater risk of death and 1.4 times greater risk of needing skilled or nursing inpatient rehabilitation compared to other road users. Many of these never return to their prior quality of life.

Chair Monroe-Moreno:

Ms. Kuhls, if there is more to your testimony, please email it to us so we can get it to all the members on our Committee. Thank you for joining us today with your comments on this bill.

Anne Macquarie, Member, Clean Transportation for All, Toiyabe Chapter, Sierra Club:

The Toiyabe Chapter, Sierra Club strongly supports S.B. 285 (R1). I have personally been advocating for biking and walking as safe, sustainable transportation modes in Nevada for over 20 years, starting as the founding president of Muscle Powered in Carson City. In fact, I testified in favor of the first Complete Streets bill in the Nevada Legislature in 2013. I invite you to look around our Capital City today with its bike lanes and bike paths; Complete Streets retrofits including wider sidewalks and bike lanes, traffic-calming features, and more, to see how far we have come in that time.

It is still critical to continue to build a multimodal transportation system statewide in which biking, walking, and other inexpensive, healthy, low-carbon emitting travel modes are safe, supported, and encouraged. We understand that more people of more varied ages and abilities will start or continue to walk and bike when safer streets are provided through programs like Complete Streets. We especially appreciate the addition of language in this bill specifying that Complete Streets should be designed and maintained for people of all ages and abilities. As our population ages, it is important that Nevadans can continue to walk and bike for exercise and transportation within an infrastructure that accommodates and supports all. [Written testimony was also submitted, [Exhibit D](#)].

Heather Fisher, President, Save Red Rock:

I am also the owner of Las Vegas Cyclery. I am calling to support S.B. 285 (R1) and to express my appreciation for the work that was done in putting this bill together. It is nice when a bill that is written for a particular public, which in this case is vulnerable road users, is counseled with those actual road users. We appreciate that. We like that it is about

awareness and education rather than restrictions. We are all for it. There are a lot more bikers out on the road, a lot more hikers, and a lot more people out enjoying the great outdoors, especially since the pandemic. They are here and we cannot close our eyes and pretend they are not, so this is really important. I love how this bill revises driver's education to improve laws related to cyclist and pedestrian safety. I like how it clarifies the 3-foot move-over law, which a lot of people do not even know about. Passing another bill just helps to bring awareness and education to the cause. It also clarifies the collision between a motor vehicle and a cyclist is in violation of the 3-foot move-over law. It provides provisions for Complete Streets. We are supportive of all of the aspects of this law, and we appreciate the consultation of vulnerable road users when creating a law for road users.

Chair Monroe-Moreno:

Are there any other callers wishing to testify in support? [There were none.] Are there any callers wishing to provide testimony in opposition? [There were none.] Are there any callers wishing to provide testimony in neutral?

Doralee Uchel-Martinez, Private Citizen, Reno, Nevada:

I am testifying in neutral only because I did not have much time to read the amendments. I do support some of the points on the bill, the multimodal advantage for all types of people. As a person who is blind and walks a lot with a service dog, I want the bike riders to know how to interact when coming across a person who cannot see. When they say, "On your left," they need to understand it is my left, not their left. I have had some collisions.

Chair Monroe-Moreno:

Are there any other callers on the line who wish to provide neutral testimony? [There were none.] Senator Harris, do you have any final comments?

Senator Harris:

I would just like to thank the Committee members for their time and consideration. I am more than happy, as always, to continue the discussion with each and every one of you if you have any additional questions. I look forward to seeing you all at the work session.

Chair Monroe-Moreno:

I so appreciate your optimism, but it is a great bill. I will close the hearing for Senate Bill 285 (1st Reprint). I will open the hearing for Senate Bill 288 (1st Reprint).

Senate Bill 288 (1st Reprint): Revises provisions relating to transportation network companies. (BDR 58-935)

Sam Wempe, Director, Government Relations and Public Policy, Motional, Inc.:

Thank you for the opportunity to discuss Senate Bill 288 (1st Reprint). Before we talk about the bill's specifics and the policy challenges, I think it would be helpful to provide a brief overview of who Motional, Inc., is in the role of the vehicle operator in our autonomous vehicles. After that, our advisor, Matthew Walker, will walk through the bill section by section.

Motional has been fortunate to achieve several key company milestones and, indeed, industry achievements right here in Nevada. Our history in the state began in 2018 with our Las Vegas technical center opening, and following later that year with a public autonomous vehicle pilot with Lyft, Inc., in Las Vegas.

That pilot is the world's longest-running, public autonomous vehicle service, and in 2020 we serviced our one hundred thousandth ride on the pilot. This led to critical insights into the consumer experience and has helped build operational knowledge across vehicles, infrastructure, and utilization. To support this increase in research and development, our facility in Las Vegas has now grown to over 250 employees.

Safety is our number one priority. When we talk about our vehicle operators, these are Motional employees who undergo weeks of training on how to oversee an autonomous vehicle in addition to defensive driving courses and regular refreshers. After each software release, they must understand the nuances of how the vehicle is expected to operate. Because of how involved the vehicle operators are with the platform, these individuals need to be Motional employees, even when monitoring an autonomous vehicle on a transportation network company (TNC) such as Lyft.

We have been extremely fortunate to have had a great relationship with our government partners at all levels, from Las Vegas and Henderson to Clark County and the Regional Transportation Commission of Southern Nevada. We are honored for the opportunity to discuss the future of transportation with the Committee today.

Because we have the biggest footprint of any autonomous vehicle company in Nevada, we are on the cutting edge of how the legislative and regulatory regimen in Nevada applies to autonomous vehicles on a day-to-day basis. As I explained, our vehicle operators need to remain employees, even as they monitor vehicles used in commercial pilots, such as the one we have with Lyft. This type of challenge we are discussing, the payment of a vehicle monitor of an autonomous vehicle, is not one that was anticipated as the rules were developed. It was assumed that there would be a step change—once the technology was ready, everything would be fully autonomous. Instead, everyone is finding out now that it is much more of a gradual transition. It may require vehicle monitors in some situations for years to come, even as other fully autonomous vehicles are deployed in certain situations.

The proposal we are discussing here today resolves some of those challenges and helps Nevada continue to be a leader in the future of transportation technology. We are very proud of what we have built in Nevada, and when it is safe to do so—hopefully very soon—we would be honored to show all of you around our facility and our fleet operations.

I will now turn the presentation over to Mr. Walker, who will walk you through the bill section by section.

Matthew Walker, representing Motional, Inc.:

Section 2 of Senate Bill 288 (1st Reprint) defines "monitored autonomous vehicle." This differentiates an autonomous vehicle service where a vehicle operator or safety engineer is present from a fully autonomous service that would fall under *Nevada Revised Statutes* (NRS) Chapter 706B.

Section 3 of the bill defines "monitored autonomous vehicle provider." Motional would fall under this definition of an autonomous vehicle provider, as they own the technology of the autonomous taxi service and hire the safety engineer who provides the in-person monitoring of the vehicle.

Section 4 defines "safety engineer." This is the person behind the wheel of an autonomous taxi and builds the bridge between the current definition of "driver" in NRS Chapter 706A and the driverless environment of NRS Chapter 706B.

Section 5 allows TNCs to enter into partnerships with autonomous vehicle providers. This construct is important because it retains the existing regulatory oversight for the TNC, while allowing for the best practice model of the technology partner providing the technology and safety engineer.

Section 5, subsection 2, allows for the safety engineer to be employed by the autonomous vehicle provider. The current regulatory and statutory construct does not allow anyone other than the TNC to pay drivers. Section 5 makes it clear that safety engineers being paid by the monitored autonomous vehicle provider is not a violation of existing statutes or regulations of the Nevada Transportation Authority within the Department of Business and Industry.

Section 19.6 ensures that monitored autonomous vehicle safety data is reported to the Legislature and that insurance sufficiency reports made to the Legislature by the Nevada Transportation Authority for NRS Chapter 706A licensees include monitored autonomous vehicle providers.

Lastly, section 22.3 clarifies that a monitored autonomous vehicle provider is responsible for providing insurance coverage for the vehicle in the same manner as a TNC driver and is responsible for providing information to law enforcement in the case of a crash, including whether the vehicle was logged onto the TNC at the time of the incident.

In conclusion, I would just like to say that we initially worked with Senator Harris on a much narrower change to NRS Chapter 706A to ensure that Motional paying its employees did not violate anti-kickback provisions that require drivers only be paid by a TNC. As a result of many conversations with Asher Killian with the Legislative Counsel Bureau, who has extensive experience with NRS Chapters 706A and 706B, as well as dialogue with the Nevada Transportation Authority commissioners and other TNC stakeholders over the past several months, a much more robust and stronger draft has been produced. We greatly appreciate all the time and expertise of those involved in the development of S.B. 288 (R1). With that, I will conclude and stand ready for any questions the Committee may have.

Chair Monroe-Moreno:

Are there any questions from members?

Assemblyman Watts:

I have had the opportunity to see some of these technologies being deployed. It is very impressive, and I am excited to see these things continuing to progress. Hopefully, we will not end up in these types of situations. If there were a collision or an accident, how do the provisions of this bill handle responsibility for such an incident given the unique situation where there will be autonomous technology in effect but then also an engineer or trained person in the vehicle monitoring it as it is in use?

Matthew Walker:

Thank you, Assemblyman Watts, for the great question because it is really important that this be clear on the record. For purposes of insurance in the case of a collision, the safety engineer is functioning as the driver, and the monitored autonomous vehicle technology provider will be providing the insurance that would typically be associated with a driver in a TNC platform. As a backstop for these incidents, the TNC itself also covers and carries a very significant insurance policy, and that policy would supplement any coverage of that primary insurance covered by the driver. Mr. Wempe, do you have anything else you would like to add to the record regarding that question?

Sam Wempe:

I think all of Mr. Walker's points spoke to the issue at hand very clearly. This bill is designed to promote autonomous vehicle innovation and development in Nevada. It does not touch any of the existing liability or insurance requirements. It does clarify them just to make sure that as we have monitored autonomous vehicles, there are no gaps in the existing requirements. I think the existing requirements promote financial responsibility by autonomous vehicle developers as well as by TNCs, requiring them to carry substantial amounts of liability insurance. This bill further clarifies those requirements when testing with a monitored autonomous vehicle.

Assemblyman Watts:

To make sure I am clear on this, essentially the same framework would apply that currently applies to TNCs that are not deploying autonomous technology. Regardless of what happened with that person conducting monitoring, the responsibility would ultimately lie with that person. The same coverage requirements that exist for TNC drivers and the same backstop coverage required by TNC companies are essentially applied in the case of a monitored autonomous vehicle provider. Is my understanding correct?

Matthew Walker:

That is correct. I would not want the Committee to walk away with the assumption that only those state minimums are carried by Motional. There are very significant insurance requirements in NRS Chapter 482A, including a minimum of a \$5 million policy for any autonomous vehicle company that is deployed and doing testing on Nevada's public streets. There certainly is additional coverage out there, but in the case of a traditional fender bender,

you are absolutely correct. Motional would be carrying that policy that we typically associate with the driver, and for purposes of insurance, the safety engineer would be the driver.

Assemblyman Roberts:

I have received some briefings on the bill and it seems pretty clear-cut. In section 4, you define what a safety engineer is. I do not believe this is your intent, but I would like to put it on the record that it is not your intent that this person be a licensed professional engineer who would be regulated by the State Board of Professional Engineers and Land Surveyors. Is that correct?

Matthew Walker:

That is correct. This was the subject of probably much more debate than necessary, but for vehicle operators and safety engineers—there are many different terminologies—this is ultimately what we settled on as most reflective of the role of the safety engineer in the vehicle. We certainly do not intend to conflate it with any professional licensure that other engineers may carry in the state.

Chair Monroe-Moreno:

To be clear, if there were an accident, a minor fender bender, or a person crossing the street was hit by this vehicle, who would the victim go after for remedy? Would it be the engineer sitting in the car, the TNC company that owns the car or deploys the car, or both?

Matthew Walker:

I will have Mr. Wempe also chime in on this. Essentially, in the case of a fender bender, I believe section 22.3 outlines some of the timelines and actions. The safety engineer is going to make the insurance information available to any law enforcement that may respond to the accident. Any lawsuit that results, whether for personal injury or damage to another vehicle, would initiate with the driver, in this case insured by Motional, and would, of course, have the supplemental insurance as secondary insurance coverage of the minimum \$1.5 million policy from the TNC that is operating in partnership with Motional.

Sam Wempe:

The only additional thing I would add is that because these are still going to be monitored autonomous vehicles, the driver is the driver. Once we get into the fully autonomous systems and the driver is defined as the software system and technology, I think we start to get into some different situations. However, for all intents and purposes, the driver or the individual monitoring the autonomous vehicle would be considered the driver in any situation involving an accident. The actual facts and circumstances of a given fender bender would obviously determine the flow of some of those things, but that would be the individual submitting the insurance report.

Chair Monroe-Moreno:

In section 4 where you have the definition for "safety engineer," could you tell us how you determined it should be "engineer" and not "operator" to make the distinction between what is an engineer and what is not an engineer? Did you think of any other term that could have been used instead of the word "engineer" in that section?

Matthew Walker:

Since I already gave the Committee my thoughts, I will let Mr. Wempe jump in to see if there is anything else he can add from his experience in other states and around the world.

Sam Wempe:

It is unfortunate that there is some confusion with the terminology. I think this is such a new industry that a lot of these definitions are in flux. It is a definition that is used in other jurisdictions. It is one we have encountered in Singapore as well, where we also have operations. We felt it most appropriate to continue to apply it. The point that these are not licensed engineers the same way that would be regulated for civil engineers and others in that field, makes sense. However, these individuals are highly trained. They go through numerous weeks of training. There are internal certifications that they continue to go through, even after they have done their initial onboarding just to make sure they stay fresh and are up to date on all the best practices when it comes to being a safety engineer.

Matthew Walker:

I would just add that there is other nomenclature like "vehicle operators," but then you run into some confusion about "operators" versus "operating" in the case of a traffic incident. We really did spend quite a bit of time with the Legislative Counsel Bureau and this is what we landed on. I certainly think there is not a standard out there internationally that we could point to in terms of the labeling of this employee.

Assemblyman Miller:

When these vehicles are operating with the TNC, how are the engineers or operators paid? Are they paid per ride or are they paid for the entire time they are operating the vehicle?

Matthew Walker:

Mr. Wempe, would you mind taking that question?

Sam Wempe:

I think what you are getting at here is actually the fundamental challenge. What got this bill started is under the current regulatory scheme. The drivers in a typical TNC—if you were to hail a Lyft or Uber—are contract workers and are paid by the ride. It makes total sense in that situation. For our situation with monitored autonomous vehicles, these are our employees. They are full-time employees of Motional because of all the reasons I previously outlined with regard to the in-depth training they go through. When it comes to monitoring autonomous vehicles, Motional pays them a full-time salary along with health care benefits and all the other benefits that go with being a full-time employee.

For the particular pilots we have been operating, they are not paid on a per-ride basis. There is a transaction between Motional and Lyft. I will not get into that, but for the purposes of driver pay, they are paid as full-time employees by Motional.

Matthew Walker:

Tips are also not an interaction that these safety engineers have with customers. It truly is just their salary. They are not compensated based on whether a ride is more profitable, tips, or any other transactions you might typically think of in determining driver pay for a TNC.

Assemblyman Miller:

Have you seen the cost to the consumer? Is it higher or lower based on these operators being full-time employees versus contracted drivers?

Matthew Walker:

Mr. Wempe, if you could take this question as well.

Sam Wempe:

Lyft is a separate company, so I cannot speak to their pricing. I cannot answer in specifics. The user experience, when individuals are getting a ride in one of these vehicles, they open the Lyft application and they have an opportunity to opt into this pilot. Should they choose to opt in, there is a chance they get matched—like any other Lyft ride—to an autonomous vehicle. They are not charged a premium or a substantially lower price, as far as I am aware. As you can probably understand right now with the fact that there are safety engineers behind the wheel and they are paid as full-time employees, the primary reason for us doing this is not profit generation. It is very much safety and making sure these vehicles are operated as safely as possible in allowing the public to interact with autonomous vehicles. It does not really factor as much into the decision.

Assemblywoman Summers-Armstrong:

I am still having a hard time separating the roles. It appears the safety engineer, in an emergency situation, will still jump in and control the vehicle if there is a technical problem, if the software blows, or if something else happens. That safety engineer then becomes the driver of a TNC vehicle. Do you not feel there is an issue with that? That seems like a very fine line to straddle. I know the pay structure is separate and different. It still remains that the person, at the end of the day, will have the responsibility for the safety of that vehicle to ensure the vehicle gets to its destination. Could you expound on that a little bit?

Matthew Walker:

This question shines a light on much of what this bill is attempting to do. I think when NRS Chapter 706B, which is the autonomous vehicle chapter, was formulated, it was assumed that once a vehicle was technologically advanced enough to be autonomous, there would be a hard transition from NRS Chapter 706A service to 706B service. As Mr. Wempe pointed out in his previous remarks, whenever there is a software upgrade, whenever a new public route is made available, whenever the speed limit that the vehicle is allowed to travel under is increased, those are all trigger points, not just now but well into the future where we

are going to see a safety engineer return to these vehicles for a specified amount of time until the safety of the public can be ensured. I think your questioning points to the fact that this bill builds a bridge between NRS Chapters 706B and 706A.

In terms of the role of the safety engineer, how often they intervene, what their role is, and how their role overlaps with a driver, I will let Mr. Wempe speak to that because I think he can cover that a little more efficiently than I can.

Sam Wempe:

This individual has an interesting role. For the record, I would like to say the safety engineers do not just become the driver in an event of a takeover; they are the driver and are responsible for being the driver the entire time. There are many situations where our vehicle operators may take over the vehicle that has nothing to do with our technology. They are going to be monitoring the actions of other users of the road. If they start to see something that may be unsafe—perhaps someone veering a little bit too close to the vehicle or some other unsafe behavior on the roadway—they are going to take over anyway just to be absolutely certain that everything will be handled as safely as possible.

For the purposes of this bill, the safety engineer will continue to be the driver at all points. This is not a situation where there is an on-and-off switch for when they are the driver. They are always going to be fully attentive. In fact, that is one of the things we really have to train all of our safety engineers to be able to do—how to remain extremely attentive to the vehicle, even when the vehicle appears to be doing everything correctly. There can be a certain amount of fatigue to that, and it requires a tremendous amount of training to make sure the vehicles continue to be monitored safely.

Assemblywoman Summers-Armstrong:

I guess this is where I am a little bit flabbergasted. Initially, you said there would be a temporary period when the driver would be in the vehicle, but you are really wanting these vehicles to be autonomous. However, the driver or the engineer, at this point, per your testimony, Mr. Wempe, has to be attentive at all times while in the driver's seat. When do you expect to have the transition where these vehicles are truly autonomous, meaning no one is in the driver's seat, or is that ever expected to be? Do you always believe there will be a mash-up relationship between TNCs and autonomous vehicles where we will have this difference in that Motional will always have someone in the driver's seat, but the ride will be booked and paid for through the TNC platforms?

Sam Wempe:

I think the challenge we are facing here with the transition is not a clean one. The way Motional thinks about it is there are going to be situations for many years where it will be much more efficient to have a human operator, but not in an autonomous vehicle. There are going to be certain roadways where it would be extremely difficult, and it will always be more efficient, or for many years be more efficient, for the vehicle to be piloted conventionally. Then there are going to be situations on the other end of the spectrum that are lower speed areas that do not have a lot of challenging components. That is where we are

going to see the fully driverless autonomous vehicles deployed much sooner. We have talked publicly about 2023 being the year when commercial operations for some of these fully driverless vehicles will begin. That is going to be in a very constrained operating area that will slowly grow. The transition we have been talking about with the monitored autonomous vehicles may be in areas that are fully driverless platforms. We are not there yet to put it out fully driverless and be able to know that it is being driven with the utmost level of safety. Again, at Motional, safety is the number one priority. We are never going to have any of these vehicles on the road that we do not fully stand behind.

There are going to be areas where we will have monitored autonomous vehicles, where perhaps some of the newer software is being used, different platforms are being used, and then when it has been fully validated and we feel comfortable taking the driver out, there are going to be other neighborhoods where they will be fully driverless and in operation.

Chair Monroe-Moreno:

Seeing no further questions from Committee members, I will open testimony in support. Thank you for the conversation on this bill. Is there anyone here in the room who wishes to provide testimony in support of S.B. 288 (R1)? [There was no one.] Is there anyone here in the room who wishes to provide testimony in opposition to S.B. 288 (R1)? [There was no one.] Is there anyone here in the room who would like to provide neutral testimony? [There was no one.] Are there any callers waiting to provide testimony in support? [There were none.] Are there any callers waiting to provide testimony in opposition?

Justin Watkins, representing Nevada Justice Association:

While I appreciate the intent that has been stated on the record today from the bill presenters, unfortunately, on behalf of Nevada Justice Association, we have to oppose this bill because the language does not accurately reflect that intent. There are two major components causing us to oppose the bill. The first has to do with the insurance requirements. Current law requires autonomous vehicles to have a \$5 million insurance requirement. In this situation, it appears from the language of the bill, that the insurance requirement would step down to \$1.5 million when there is a passenger in the car, and even lower than that when the vehicle is "logged off." How an autonomous vehicle can be logged off from the platform is nonsensical, I believe, and the \$5 million requirement for all autonomous vehicles should prevail.

The second issue deals with proving liability and fault for an autonomous vehicle that breaks the rules of the road and injures someone. First, the safety engineer, despite what was said in the testimony, is not defined as the driver. Specifically, if you look to section 4 of the bill, the safety engineer is simply an occupant of the vehicle who ensures its safety. Second, in section 22.7 and beyond, the safety engineer is distinct from the driver of the vehicle and they are not the same.

When we deal with liabilities, it is impractical to ask someone who has been hurt to prove whether or not there was a manufacturing defect, a software glitch, whether the safety engineer was negligent, or whether there was hacking. There should be joint and several liability among all the parties involved in putting the autonomous vehicle on the road. The burden should not be on the injured party to prove otherwise.

[Assemblyman Watts assumed the Chair.]

Vice Chair Watts:

We will take the next caller wishing to provide testimony in opposition. [There was no one.] Are there any callers wishing to provide neutral testimony? [There were none.] Are there any closing comments you would like to make, Mr. Walker?

Matthew Walker:

I want to thank the Committee members for their time and thoughtful dialogue on this bill. I would like to quickly state, regarding Mr. Watkins' concerns, this is definitely a policy he has been pursuing since his time in the Legislature. We had some good conversations in 2017 on a similar concept. I would just say that upending the last 40 to 50 years of how our automobile insurance works, this bill is not the vehicle for that. I would also like to point the Committee to the Nevada Transportation Authority's report to the Legislature regarding the adequacy of insurance coverage and limits under statute for these types of vehicles. I think that type of data from regulators is going to be critical to driving a more comprehensive concern that is maybe a little more focused on those issues and not the specific issue of safety engineer pay.

Again, I really appreciate the time and thoughtful conversation and look forward to answering any of the Committee's questions, should there be any, offline.

Vice Chair Watts:

We also appreciate the dialogue and look forward to having that continue on some of these issues. I also appreciate the reference to the bill as a vehicle. I hope that was an intentional pun. I will close the hearing on Senate Bill 288 (1st Reprint). I will open the hearing on Senate Bill 383 (1st Reprint).

**Senate Bill 383 (1st Reprint): Revises provisions relating to electric bicycles.
(BDR 43-835)**

Susan Fisher, representing PeopleForBikes :

PeopleForBikes is an international organization, trade association for bicycle manufacturers and vendors, for both human-powered and motor-assist bicycles. We appreciate Senator Harris and your sister committee on the Senate side for introducing this as a committee bill. The primary focus of Senate Bill 383 (1st Reprint) is to update Nevada statutes to align the definition of electric bikes (e-bikes) with 30 other states, the federal government, and most importantly, for us in Nevada with an abundance of public lands, with the U.S. Department of the Interior.

Electric bikes look like a traditional bicycle. If you saw one on the road or on a trail, it would be very difficult for you to tell the difference between an e-bike and a traditional bike. They have handlebars, brakes, a shifting mechanism, and pedals—just like a traditional bike. The three things that differentiate e-bikes are the motor, the battery, and the controls.

There are two primary types of electric bikes: the pedal assist where the engine kicks in as soon as you start pedaling and stops when you stop pedaling; the throttle assist where you have a switch to activate the motor and propel the bike even if you are not pedaling, and many of those also have a pedal-assist function.

In terms of who rides e-bikes, it is very broad and the numbers on the roads are growing exponentially. Whether it is a beach cruiser, street bike, or even a mountain bike, they are gaining in popularity, both for recreation and good, clean electric vehicle transportation. They also enable some people who may not otherwise be able to do so to get out and about on bikes.

The reason why PeopleForBikes coalition is promoting this bill in Nevada and other states is because e-bikes were first federally regulated to establish safety standards. The reason the federal government took the lead nearly 20 years ago on e-bikes—I did not even know we had e-bikes 20 years ago—was to determine if they would be regulated like a bicycle or like a motor vehicle. If regulated like a motor vehicle, they would have been subject to the authority of the National Highway Traffic Safety Administration, U.S. Department of Transportation, which governs cars, trucks, and motorcycles, or under the jurisdiction of the U.S. Consumer Product Safety Commission (CPSC), which is the agency that regulates bicycles.

Congress determined nearly 20 years ago that e-bikes should be regulated under the CPSC for product safety. After that, a lot of states started passing laws on e-bikes, but they were very disjointed, with some states borrowing language from the CPSC and some not. Some states had very different standards on the speed and the wattage of the bikes. Where the federal law may have said 750 watts, some states may have said 1,000 watts cap.

Our organization felt it would be helpful to riders, to your constituents, and visitors to Nevada to have consistent laws because of the portability of the bikes. Here is what the bill does. There are a few key things about the bill. The first and most important thing is it defines the three classes of bikes in the market today. They are broken down by speed and method of motorized engagement. Class 1 is a pedal-assist bike. You have to be actively pedaling for the motor to engage, and it goes up to 20 mph. When I say it goes up to 20 mph, obviously the bicycle can go faster than that; that is just how fast the engine can take it to. Class 2 has a throttle and can go up to 20 mph as well. Class 3 is a pedal-assist bike and it can go up to 28 mph. The top pedal-assisted speed is not currently specified in CPSC law, so this aligns us with what is prevalent in Europe, which is capped at 48 kilometers per hour or 28 mph. This gets us in line with international standards.

The bill incorporates the three-class system and provides additional guidance on where Nevadans may ride e-bikes. Our current statute does not address anything other than the standard rules of the road law, which you heard earlier today under Senate Bill 285 (1st Reprint), but current statute causes confusion for those who may want to ride an e-bike on a traditional bike trail or in a designated bike lane on a street, but do not know if it is allowed. It includes some safety provisions for the higher-speed bikes and references the correct federal standards. Finally, the bill adopts an appropriate labeling system for the three classes of bicycles. If you walk into a bike shop anywhere in Nevada now, you will already see that there are labels on new bikes.

The critical piece to get our statute in harmony is to align our statute with 30 other states so we have consistency with other states, the federal government, and with our public lands laws. We reached out early on to the Department of Motor Vehicles (DMV), which advised us that the Department has no issue with the bill. We also sent language early in the session to Clark County, the City of Las Vegas, the City of Henderson, the City of Reno, the Nevada League of Cities and Municipalities, and the Consortium of Cities, which represents Reno, Sparks, North Las Vegas, Mesquite, and Las Vegas. The DMV and Clark County responded that they have no issue with the proposed statutory change, and other local governmental entities provided no comment.

If you would like, Madam Chair, I can walk you through the specific sections of the bill.

Chair Monroe-Moreno:

That would be great.

Susan Fisher:

In existing law, as it stands in Nevada statute right now, it exempts electric bicycles from licensing and registration. We are not changing that. Existing law also does not require a driver's license, and we will not require it under S.B. 383 (R1). Electric bicycles are currently subject to the same traffic laws and other requirements as bicycles. However, what we did, in short, any place in statute where the term "bicycle" is mentioned, we have added the term "electric bicycle."

Sections 1 and 2 delete outdated definitions of electric bicycles because our current statutes have not changed in over 15 years on electric bikes. Section 5, which is on page 2 of the revised version of the bill, identifies how electric bikes are to operate—anywhere traditional bikes are allowed, for example.

Section 5, subsection 2, is enabling language for state or local governmental entities to prohibit use in certain areas for safety reasons—sidewalks, for instance, or if they are pedestrian-only trails—where traditional bicycles are not allowed. We did not want to tie local governmental entities' hands, but we also do not want them more restrictive of e-bikes than they are of traditional bikes.

Section 5, subsection 3, also allows restrictions on unpaved paths or trails, as I just mentioned. In section 5, subsection 5, "shared use path" is defined.

Section 8, which you will find at the bottom of page 3, sets the age of an operator of a class 3 bike at 16 or older, requires a helmet, and allows for a passenger. There is also a helmet requirement for that passenger.

Section 9, on page 4, puts into statute the U.S. Consumer Product Safety Commission-adopted equipment and manufacturing requirements. This is where the stickers for all new e-bikes sold in Nevada must comply with those requirements. They may not be tampered with to change the speed capability or how the electric motor engages or disengages, and they must also have an operational speedometer.

Section 10 lays out the three classes of electric bikes. As I mentioned earlier, on the class 1, the motor provides the assistance only when the rider is actively pedaling and cuts off when the rider reaches 20 mph. Class 2, you can sit back and enjoy the ride without pedaling, being solely propelled by a motor but the motor stops when the bike gets over 20 mph. Class 3, the motor provides assistance only when the rider is actively pedaling and cuts assistance when it reaches 28 mph.

Section 14, which begins on page 6, is current statutory language defining "recreational activity" and limits liability for the owner of a property where recreational activity is allowed. In section 14, subsection 4, paragraph (h), we simply added the term "electric bicycle" to the list of allowed activities.

Finally, section 15, on page 7, describes the current prohibited actions against bicycles or other motor vehicles and adds e-bikes. What we mean by that, in current statute we have language that prohibits someone from a car sticking a baseball bat out the window and hitting a bicyclist. That is just not allowed, and we are including e-bikes in that.

With that, Madam Chair, I would be happy to answer any questions.

Chair Monroe-Moreno:

We will start questioning with Assemblyman Yeager.

Assemblyman Yeager:

I do not think you mentioned this in your remarks, and if you did, I apologize. Section 8 talks about the age requirements, and I am wondering where that age came from, that 16 years would be the dividing point for a class 3 electric bike. Concurrent with that, it sounds to me like we are really just talking about a few mph difference between the different classes. I just want to get some more information on how that was arrived at and why the difference among the three classes.

Susan Fisher:

It is simply model legislation that the organization has worked on in a number of other states and it follows the federal guidelines. Fifteen other states do have the age limitation of 16 for the class 3 only. There are three states that set the age limit for the class 3 bikes at 15. There are five states that will allow kids up to the age of 14 to ride class 3 bikes. There are four states that have no age restrictions.

Assemblyman Yeager:

As a follow-up to that, the provision says no person under the age of 16 years may operate a class 3 electric bicycle. What is the penalty? Is it a criminal sanction or a civil sanction? What happens if an officer encounters a 14-year-old operating a class 3 electric bicycle?

Susan Fisher:

I cannot answer that question. I will have to get back to you on that.

Assemblyman Yeager:

The last question I have is about the helmet requirement on page 4 of the bill, lines 4 to 8. It talks about a class 3 bike and the helmet. I just want to confirm, and hopefully you know the answer, but I believe you have to wear a helmet in general when you are riding a bicycle. Is this just a sturdier helmet for the class 3 bike?

Susan Fisher:

I am smiling because I had a conversation with one of your comrades here yesterday about whether or not helmets are required for bicycles. I do not think they are required in statute, but maybe they are.

Assemblyman Yeager:

I am mostly asking because I wear one and maybe I do not want to, but I thought I had to wear one.

Susan Fisher:

Because your mom told you, you had to.

Chair Monroe-Moreno:

We will get back to you with that answer, Assemblyman Yeager. Our Committee counsel is looking it up. As a mom, I require it of my children, but I do not think it is required in law for a bicycle—a motorcycle, but not a bicycle.

Assemblyman Leavitt:

I hope it is a law because I have threatened my kids that they would be doing something illegal this whole time. I appreciate this bill and the intent. I started an e-bike program at my previous employer with a colleague, and it has been very successful. We really enjoyed the use of e-bikes and the program has been used all over the valley in various government entities.

I have a follow-up question to Assemblyman Yeager's question. It seems like the 16 years of age is an arbitrary number. With the nature of a pedal-assist bike, the limitation is due to physical ability. Someone who could go 28 mph on a pedal-assist bike has to have the physical capability to do so. Some 16-year-olds are not going to be able to do that, and some 14-year-olds may be able to do that. Their physical ability gives them the capability of going that fast on a bike. It seems that number is arbitrary in effect that it is in accordance with one's physical ability, and physical ability is really what is important when someone is riding one of those bikes as far as how one can control that bike. That is something I have an issue with in this bill.

The other thing is the helmet. I think if it is good for one, it is good for all, or we just do not tell people they have to, or we change it from class 3 to all classes of bicycles no matter what, so I am not a liar to my children. I think the provisions of the bill, defining what an e-bike is and putting it in statute, are great. I just have a few issues with limiting the use of these bikes. Having children under the age of 16, I am thinking there is no way they could even touch that threshold of 20 mph because they do not have the physical ability to do so. However, a class down, they are able to ride and may be able to go even faster on that bike versus another bike. Can we find some common ground there?

Susan Fisher:

I am more than happy to take your comments back to the bill sponsor and to the organization to see if there is some willingness to put into statute to require helmets for all or other considerations.

Assemblyman Watts:

I appreciate some of the provisions in section 5, subsection 2, of the bill as proposed with the local and state authority to enact prohibitions for e-bikes on certain trails or paths if they think it is appropriate, as well as subsection 3 that deals with trails. Although I see that it lists specifically "designated as nonmotorized." The question I have is really related to those single-track trails. There are two pieces, looking at those two subsections. One is, of course, we have trails that exist on federally managed lands. Then I am wondering about the verbiage around "specifically designated as nonmotorized." I am wondering if there is any additional clarity that you can provide, particularly federal lands, or if there are trails that are not specifically designated one way or another, where bicycles are currently allowed, and this would open it up to e-bikes but they may or may not be appropriate and how that may be handled.

Susan Fisher:

As you know, since you hike, you have probably seen signs on a trail that say, "No Motorized Vehicles." Electric bikes would not be allowed on those trails even if bicycles or horses are allowed on the trail. Certainly, dirt bikes would not be allowed. If it is not designed either way—if you can use a regular bicycle and it is not designed that there are no motorized vehicles, then they can. I would suspect that because of the proliferation of e-bikes, a lot of that signage is going to be changing over time to allow e-bikes because it

will allow people with physical limitations to be able to get out and enjoy those trails a little bit more as well. The e-bikes are quiet, and they are not going to be any more disturbing to wildlife or other people on the trails than a regular bicycle would be.

Assemblyman Watts:

I appreciate that. I know there is a lot of conversation and debate around which trails should be open to use by bicycles, in general, as well as e-bikes. I appreciate the approach there and just want to make sure we have a process in place that is comprehensive. It sounds like, essentially, governments at all levels are going to be taking this into consideration. As they do, the provisions of section 5, subsection 3, would work to try to keep them out of places where it is not deemed appropriate. Thank you for the additional clarification.

Chair Monroe-Moreno:

I believe Ms. Dummer has an answer for the helmet issue.

Jessica Dummer, Committee Counsel:

The 2019 Legislature considered Assembly Bill 187 of the 80th Session, which would have required parents and guardians to ensure that children under the age of 18 wore a safety helmet while operating a bicycle, scooter, and certain other vehicles. That bill did not pass. I believe there is not a requirement in law to wear a helmet.

Chair Monroe-Moreno:

Thank you for the clarification. I appreciate it. Assemblyman Leavitt, you are officially lying to your children. We will not let them know, though. Seeing no further questions, I thank you for the presentation. Is there anyone here in the room who wishes to provide testimony in support?

Wesley Harper, Executive Director, Nevada League of Cities and Municipalities:

The Nevada League of Cities and Municipalities is in support of S.B. 383 (R1) as amended. We appreciate the work of the bill sponsors to bring this bill forward, and we appreciate the distinguished members of the Assembly Committee on Growth and Infrastructure for hearing it. We agree with the sentiments expressed by Ms. Fisher. This bill is a thoughtful response to the increasing popularity, advancing technology, and broadening capabilities of electric bicycles. We sincerely ask for the Committee's endorsement. Thank you for your attention and allowing my statement of support.

Chair Monroe-Moreno:

Is there anyone else here in the room who would like to provide testimony in support? [There was no one.] Is there anyone here in the room who would like to provide testimony in opposition to S.B. 383 (R1)? [There was no one.] Is there anyone here in the room who would like to provide neutral testimony? [There was no one.] Is there anyone on Zoom or on the phone lines to provide testimony in support?

Heather Fisher, President, Save Red Rock:

I am calling as a bike shop owner, as a tour company operator, as the President of Save Red Rock, and finally as a mother. I support this bill in all those aspects. As a bike shop owner, I can tell you that electric bikes are not only here to stay, but they are expanding faster than any other part of the market share, as opposed to other types of bikes that are also expanding. Electric bikes are increasing exponentially because they are opening up an entirely new market. This bill is important to get out in front of the trend and create important safety guidelines that are easier to understand as it mirrors federal guidelines.

As a tour operator, I have also seen a rapid increase in electric bike usage. From a tourism standpoint, electric bikes are important because they reduce the carbon footprint of recreation and they increase opportunities for people with disabilities. For example, someone who previously could only survive a scenic mountain drive in an automobile now has the choice to pedal up the hill without dying.

Electric bikes are helping to diversify the economy. The Las Vegas economy is suffering from a need for diversification, as the population is trending toward less trust in the indoors and more trust in outdoor choices due to infectious disease concerns. This bill, allowing electric bikes to be classified as bikes, is economically advantageous to the Las Vegas tourism economy because people who might not feel comfortable in close proximity with a bunch of other breathers inside of a casino or a tour bus, can now be more empowered to enjoy the healthy outdoors.

As the president of Save Red Rock, safety is one of our founding principles. I liked earlier today in this meeting when Assemblyman Roberts testified about the Don Albietz tragedy. That is why I started SaveRedRock.com in the first place in 2005. It was the impetus for the Red Rock bike lanes, to reduce speed limits, and the Red Rock Legacy Trail. We are excited that the trail we have been working on for 15 years with the Bureau of Land Management of the U.S. Department of the Interior and Clark County is finally nearing the construction phases. We know with the rapid expansion of electric bikes, that is going to be a big part of it. We appreciate that this bill clarifies that e-bikes would be allowed on separated bike paths, which increases safety and actually ensures greater allowance for the public on bike paths, such as the Red Rock Legacy Trail, because it classifies that electric bikes do not include dirt bikes, scooters, or high-powered throttle engineered bikes.

Chair Monroe-Moreno:

Thank you so much for your testimony. You have reached the two-minute limit for testimony. If you would please provide your testimony in writing to our Committee, I will make sure our members get it.

Are there any other callers waiting to testify in support? [There were none.] Are there any callers wishing to provide testimony in opposition? [There were none.] Are there any callers wishing to provide neutral testimony? [There were none.] Are there any closing remarks?

Susan Fisher:

I want to put on the record that I appreciate Heather Fisher calling in to testify in support. There is no relation. I did not round up all my family members.

Chair Monroe-Moreno:

I will close the hearing on Senate Bill 383 (1st Reprint). That brings us to the last item on our agenda, which is public comment. Are there any callers wishing to provide public comment? [There were none.]

Our next meeting will be on Thursday, May 6, 2021, at 1:30 p.m. We did have our Committee photos scheduled for that same afternoon, but we are adjusting that date. As soon as I have a new date, I will let you know. To our staff here in the room and virtually, you are always amazing, and we truly appreciate you. For everyone else who joined us virtually and in the room, thank you for joining us today.

This meeting is adjourned [at 3:20 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 a document titled "Complete Streets Policies: Nevada," dated April 30, 2021, presented by Deborah Kuhls, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 285 (1st Reprint).

[Exhibit D](#) is written testimony dated May 4, 2021, presented by Anne Macquarie, Member, Clean Transportation for All, Toiyabe Chapter, Sierra Club, in support of Senate Bill 285 (1st Reprint).