

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

**Eighty-First Session
February 16, 2021**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 1:33 p.m. on Tuesday, February 16, 2021, Online. 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:

None

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:

Amy Davey, Administrator, Office of Traffic Safety, Department of Public Safety;
and Chair, Nevada Executive Committee on Traffic Safety
Andrew Bennett, Public Information Officer, Office of Traffic Safety, Department of
Public Safety
Sondra Rosenberg, P.T.P., Assistant Director, Planning, Department of
Transportation
Anne K. Carpenter, Colonel, Nevada Highway Patrol, Department of Public Safety
James T. Simpson, Major, Nevada Highway Patrol, Department of Public Safety
Martin A. Mleczko Jr., Captain, Nevada Highway Patrol, Department of Public
Safety
Eric P. Witkoski, Executive Director, Colorado River Commission of Nevada
Gail A. Bates, Assistant Director, Hydropower, Colorado River Commission of
Nevada
Sara A. Price, Senior Assistant Director, Colorado River Commission of Nevada
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association

Chair Monroe-Moreno:

[Roll was called. Committee rules and protocol were explained.] Today we will enjoy presentations from agencies involved in Nevada's highway safety and energy sectors. Before we get to the presentation, we are going to have our first Committee bill draft request (BDR). The BDR requires a Committee introduction and is for BDR 43-473.

BDR 43-473—Revises provisions governing punitive actions concerning special license plates. (Later introduced as [Assembly Bill 150](#).)

I would like to remind the Committee members that voting in favor of the introduction of a BDR today does not imply a commitment to support the measure later. This action just allows the BDR to become a bill and to later be referred to this Committee for possible hearings. May I have a motion for a Committee introduction of BDR 43-473?

ASSEMBLYMAN WATTS MOVED FOR COMMITTEE INTRODUCTION
OF BILL DRAFT REQUEST 43-473.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.] We will be doing a roll call vote.

THE MOTION PASSED UNANIMOUSLY.

That takes us to the agenda. Instead of starting with the first presentation on our agenda, we are going to start with the second, which is a presentation from the Nevada Executive Committee on Traffic Safety.

**Amy Davey, Administrator, Office of Traffic Safety, Department of Public Safety; and
Chair, Nevada Executive Committee on Traffic Safety:**

Although I am the Administrator for the Office of Traffic Safety, Department of Public Safety, I am here today as the chair of the Nevada Executive Committee on Traffic Safety. I am joined by colleagues from the Department of Transportation: Assistant Director, Sondra Rosenberg; our Chief Traffic Safety Engineer, Fred Shakal; and helping me with the presentation today is our Public Information Officer, Andrew Bennett. Thank you for inviting us. Our presentation does include some media. We have embedded some videos, hopefully to keep you engaged. Our presentation is not too lengthy, but we welcome your input and questions.

The Nevada Executive Committee on Traffic Safety (NECTS) is an ad hoc committee with a large representation of stakeholders [page 2, [Exhibit C](#)] who meet to develop and support the Nevada Strategic Highway Safety Plan. In the coming weeks, we hope to be back before you to discuss the role of the NECTS as we present Assembly Bill 54.

This is an overview of the NECTS structure [page 3] and some of the priority traffic safety areas. This afternoon, we will briefly present to you some information about Nevada's roadways and our approaches to eliminating fatal crashes.

**Andrew Bennett, Public Information Officer, Office of Traffic Safety, Department of
Public Safety:**

In addition to being the Public Information Officer for the Office of Traffic Safety, I am the program manager for Nevada's Strategic Highway Safety Plan, Zero Fatalities. We thought it would be important today to take a few minutes to paint the picture of what we have experienced since the last session. Rather briefly, we will be covering 2019 and 2020 as we move through our slides.

From 2018 to 2019, we experienced an 8 percent decrease in overall fatalities [page 4], which was a rather successful drop in fatalities. This is something we would not expect in a year of economic development and growth, as well as with the population growth. Those are two usual factors where we expect to see an increase in fatalities. However, to experience an 8 percent decrease was encouraging. Then, 2020 happened, which is something none of us could have expected to experience on many different fronts. In traffic safety, that held true.

Going from 2019 to 2020, we did experience just over a 3 percent increase in overall fatalities, going from 304 in 2019, to 314 in 2020. As we paint this picture of what we experienced, keep in mind, our roadways were nearly empty for several months during the first and second quarter of 2020. For us to experience a decrease in fatalities, it was important that we identify the issues we were experiencing.

For the purpose of today's conversation, we really narrowed it down to three key behaviors [page 5] that we experienced on our roadways in 2020, definitely more than we experienced in 2019. The speed-related factors of our fatalities were definitely increased, especially when mixed with substance impairment as well. When we look at the lack of seatbelt usage, we will talk about some of the data we currently have, as well as the data that we are waiting on. As someone who receives the fatality reports statewide every day, I can tell you that these were definitely the three key behaviors that we saw on our roadways; it was also a national trend.

The first video we have for you today briefly describes some of the experiences we had collectively across our country.

[A video was played, [Exhibit D](#)].

Just to describe some of these behaviors we are seeing, this is a collection of radar readings that was provided to us by the Nevada Highway Patrol, Department of Public Safety over the key pandemic months, going from about March through June [page 6, [Exhibit C](#)]. Just to compare 2019 to 2020, we saw a 47 percent increase in fatalities compared to 2019, especially in June. To be honest, any speed can kill. When we look at some of these dramatic speeds, 140 miles per hour (mph), 108 mph, and 112 mph, this is just a small representation of the problem we experienced, and this translated to the loss of life. Speed is a behavior that can kill. We saw this especially in single-vehicle rollovers that were combined with some of the other behaviors we are going to discuss today. When we look at this problem, it is just a quick snapshot of some of the reckless driving we were experiencing across the roadways in Nevada.

Moving on to substance-involved incidents, these are snapshots of a portable breath test [page 7]. It is a roadside test and not evidentiary level, but it is a good visual of some of the other problems we were experiencing. This is a snapshot of impairment with alcohol. It does not include marijuana or any other drugs that may have been present during these fatalities. To see a number like 0.424 is mind boggling, not only to the folks in traffic safety, but to the general public. The recklessness we saw with these crashes was evident in the choices that were being made behind the wheel, which shows why we had that increase in fatalities on Nevada's roadways.

Finally, for lack of seatbelt usage for occupant protection, these are pictures that were related to fatalities across the state [page 8]. Some of these may be one vehicle, but three occupants, and the only difference between the folks who lived and the folks who did not was wearing a seatbelt. We saw that multiple times in 2020. This is a brief snapshot, and basically the PG-rated version of these fatal crashes to try to show that a lot of these behaviors are related.

Speed, impairment, and lack of seatbelt usage are all related to the fact that people who are impaired usually do not make great decisions with their seatbelts and have a lack of seatbelt usage. It was important for the Office of Traffic Safety, working through the state's

Zero Fatalities program, to be able to identify and rapidly respond to these behaviors through a public safety announcement campaign. There are many firsts in this campaign I am about to show you.

This is the first time we used real crash photos in a public safety announcement. These are also very timely photos. In the example I am about to show, you will see we used pictures from June 2020. This campaign ran from the end of October through the end of December. This was also the first time we thought it was important to cover multiple behaviors simultaneously. Usually, we spend a three-month period focusing on one behavior, but it was so important with the behaviors we were seeing throughout 2020, and now leading into 2021, that we needed to be able to address this through a public safety announcement campaign and follow it up with enforcement. Using that collective experience we all had with 2020, we were very quickly able to name it, which you will see in the campaign. However, we needed to tap into that collective experience of trying to get people to do the right thing, not only for them but for our community. Speed and impairment are two behaviors that affect the community as a whole and not just the individual in the car. All too often, fatalities involve speed and impairment. Administrator Davey will have data that talks about the impairment levels. Speed is a factor in over 30 percent of our fatalities, and it is often not the life of the driver who was speeding that is lost. I will now show you the campaign we ran at the end of last year.

[A video was played, [Exhibit E](#)].

Amy Davey:

As Mr. Bennett mentioned, one of the most alarming features of fatal crashes on our roadways is the prevalence of impairment. We know that 50 to 55 percent of fatal crashes involve impairing substances—drugs and alcohol. The numbers for 2020 are not yet compiled, but as we have seen fatal crashes increase, I suspect we will see an increase in DUI involvement.

On this chart [page 9, [Exhibit C](#)], we see that, while alcohol-only crashes have decreased, there are increases in drug involvement in DUI. The highest prevalence being what we call polysubstance use with an increasing amount of marijuana involved.

The Advocates for Highway and Auto Safety annually publish their "Roadmap of State Highway Safety Laws," which identifies what laws should be improved to result in better drivers and increased safety [page 10]. Several of these recommendations are related to increasing requirements for young drivers. The others are related to occupant protection for children and adults.

I think what is important to consider here is not that Nevada is currently red, but how achievable it is to move up. More states are yellow than red, and even green is achievable. This is an area where you, as legislators, have great impact on public safety on our roadways.

Traffic safety, rules of the road, and driver requirements are a big topic in every Nevada legislative session, with an average of 20 bills introduced to continue improving our roadway safety for citizens and visitors.

These next slides [pages 11 and 12] may seem a little out of place, but I like to include these slides for two reasons: they provide context and provide a comparison in the following ways. For context, 35,000 people die each year in the United States in roadway crashes. This is equivalent to a fully loaded jumbo jet falling out of the sky every week for a year. How many weeks would that have to happen before the Federal Aviation Administration, U.S. Department of Transportation, shut down air travel? How many weeks would that have to happen before you thought twice about getting on an airplane?

Here is another interesting story about air travel that can also give us some insight and some hope. Just for a moment, let us consider the commercial aviation industry and the remarkable safety they have achieved in our lifetime. That is what this chart displays [page 12]. Flying is now often said to be the safest form of transport, and this is at least true in terms of fatalities for distance travelled. According to the civil aviation authorities, the fatality rate per billion kilometers traveled by plane is 0.003 compared to 0.27 by rail and 2.57 by car. The aviation industry took this effort upon itself, and it has seen a staggering reduction in the number of both fatal accidents and fatalities in the intervening decades, which is the result of technology improvements, improvements in air traffic control, and pilot training.

Roadway fatalities are preventable. We know what causes them. They are not random or indiscriminate. That means we can identify and apply countermeasures to roadway fatalities, just like they did in the airline industry. Evidence-based countermeasures, such as deterrents through enactment and enforcement of traffic safety laws, prevention and intervention, education and training, communication and outreach, and engineering design for both vehicles and roadways.

I want to be sure to congratulate you on the hard work you have done to improve traffic safety and save lives in just the last few legislative sessions. I am sorry to say that we could not get Assemblyman Wheeler's bill [Assembly Bill 338 of the 80th Session] from last session on this slide [page 13], which increased requirements and opportunities for young drivers in the area of driving skills training. I believe we have already counted 20 bills coming up in this session, and I think that is reflective of your awareness that we still have some work to do in this area to provide maximum safety for pedestrians, bicyclists, motorcyclists, and all of our road users, as well as car drivers and public transportation. I want to thank you for the hard work you have done. I hope we can always keep the attainability of our Zero Fatalities goal on the top of our minds, because these things absolutely make a difference.

The transportation profession has been organized around the three Es, engineering, education, and enforcement since the early days of the National Safety Council in 1925, when the rise of the automobile began to dominate city planning and infrastructure investment. As we have grown in this arena, we have added "emergency medical services" and "everyone" to reflect additional partners in the traffic safety ecosystem [page 14]. This year, as the Nevada Executive Committee on Traffic Safety moves to improve the state's newest strategic highway safety plan, members felt it important to recognize "equity" as an element of transportation planning.

I want to thank you on behalf of my office and on behalf of the committee. We would be happy to offer our time for any questions or comments.

Chair Monroe-Moreno:

Thank you for that presentation. Members, does anyone have any questions for our presenters?

Assemblyman Yeager:

This is not the first time I have heard about speeding during the pandemic. I certainly noticed that the first time I went out on the roads. I think folks are notorious for speeding on Interstates 215 and 15 in Las Vegas, but it seemed I was getting my doors blown off. I am wondering, has anyone provided any kind of rationale for why that happened? Was it just the fact that there was no traffic? Was there some kind of analysis done about why, all of a sudden, people were speeding out of control?

Amy Davey:

This was actually a nationwide phenomenon that all states were reporting very early on. What it is being attributed to is exactly as you said, the roads were sparsely populated. I experienced the same thing when I would go to the grocery store. With the roads being so open and so empty, people felt they had the opportunity to put the pedal to the metal. As Mr. Bennett said, that seemed to carry through when traffic came back on the road. We are still seeing speeding and risky behavior.

Assemblyman Yeager:

I will ask this question in two parts, as it may be two separate questions. The first one is about impaired driving. Obviously, it is staggering to see someone over a 0.4 driving. Most people would be in a coma at that point. Nonetheless, there are people out there with that kind of alcohol tolerance. I had heard that perhaps the federal government was potentially looking into making breath interlock devices standard on cars, much like seatbelts. Do you know anything about that and the prospects of that passing?

My second question is regarding the prevalence of cell phone usage while driving. I think we all see it out there on the roads all the time. We have laws on the books, but psychologically, I believe there are a lot of young people, in particular, that it is almost like

a chemical reaction when they hear the alert buzz on their phone. What are some things we can do on the state level, if anything, to try to cut down on the distracted driving, particularly with cell phones? I see that as an increasing problem as people get more addicted to their devices.

Amy Davey:

With respect to your first question, the technology you are referring to is something that has been studied and researched for a number of years. The National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation has sponsored a project, but I do not remember the acronym at this time. It is basically a built-in ignition interlock or breath interlock sensing system put into vehicles. This is one of those areas in which, in the long run, technology is going to, in some ways, save us from ourselves. To your point, I am foreseeing a day when individuals get into their vehicles and there is technology that does not allow them to use a cell phone and interrupts the functionality. We will see if that comes into play.

With respect to technology for breath interlock devices, research has been done, and I believe they are looking for partnerships now, particularly in the insurance industry, for implementing this vehicle technology.

Regarding distracted driving, we are able to collect very little data. That is also true nationwide, because drivers who are using their cell phone at the time of a crash are not going to report they were using their cell phone. It becomes a matter of forensics to determine whether that was in play. We have seen some interesting municipal codes adopted at a local level related to distracted driving that are a little more restrictive than what the state has. The state does have distracted driving laws on the books, as you mentioned. The penalties for cell phone use are fairly low. We have discussed those penalties in legislative sessions a number of times. I think the City of Reno adopted a municipal code that defines distracted driving in a more restrictive manner. I cannot remember if Clark County has done that as well. Mr. Bennett, do you know?

Andrew Bennett:

Failure to maintain full-time attention to the road is a county code.

Assemblywoman Brown-May:

On slide 3 [page 3, [Exhibit C](#)], you listed categories, such as impaired driving prevention, intersection safety, et cetera. As for pedestrian safety, are there bicycle and multimodal safety initiatives? Is that a consideration, especially given the recent accident in southern Nevada in which a number of cyclists were killed utilizing a high-access roadway?

My second question concerns slide 9 [page 9], Nevada Data: What We Know. There are two categories. One is "Marijuana" and the other is "Any Marijuana." I am curious to know what is the difference.

My third question would be, What is it going to take to get our red state to yellow [page 10]?

Amy Davey:

Regarding your first question, with respect to mopeds, micromobility, scooters, bicyclists, et cetera, I do not want to say we lump them together with pedestrians because we recognize there are unique features for each. What we typically do is refer to these as "vulnerable road users." When we look at vulnerable road users, we identify that if the road is made safe for pedestrians, the most vulnerable of all road users, the road is safer for everyone. That is why we tend to look at that from a pedestrian box. You are right, it incorporates those other aspects as well.

Regarding the chart on slide 9 [page 9], we took two snapshots. "Marijuana" is marijuana only. Those are circumstances in which impaired drivers' testing confirmed that there is only marijuana in their system. The reason we started tracking it this way was because after the legalization of recreational marijuana in 2017, we wanted to get a baseline about how that might be impacting traffic safety and DUI. "Any Marijuana" is a subset of polysubstance use. Polysubstance use is any combination of drugs and/or alcohol and is the highest category of people who are impaired. "Any Marijuana" would be a subset of polysubstance use. We are seeing growing impairment under a multitude of substances.

Relevant to this report [page 10], there are some very specific recommendations for improving Nevada from red to yellow. On the lower right corner, it gives the actual specific recommendations, and they are all legislative recommendations. Several of them have to do with graduated driver's licenses and driver's license requirements for new drivers and young drivers. There are also a few key items that Nevada can improve on, which include seatbelt law and child passenger booster seat law.

Assemblyman Roberts:

In my years in law enforcement, we crunched fatal data all the time. I know it is a costed effort to make adjustments. You said you are seeing a decrease in alcohol use and an increase in marijuana and other drugs. What can we do to improve in that area? Polydrug use will drop and rise. I am curious as to what your plans are, and do you have any suggestions moving forward?

Amy Davey:

To be more specific about the chart [page 9], alcohol is still very prevalent in DUI. What we are seeing is a combination. We are seeing alcohol-only decreasing. People are now using more substances in combination.

As a country, we are behind the curve in driver-impaired driving. For years, a lot of focus and attention has been spent on alcohol. We have seen an increasing issue with drug-impaired driving increasing as marijuana comes more into play. The reason why I say we are behind is because the science is also somewhat behind. Particularly related to marijuana impairment, the science of detecting it and understanding the difference between presence in the body and impairment in a person's capabilities has lagged behind. We do not have a roadside portable device for impairment for other substances.

There is a long-term plan where we are going to need to decidedly catch up. From your experience, Assemblyman Roberts, and the Chair's experience, drugs change as often as the drug users. They are always finding something new. We are always going to be playing catch-up from that point of view. I think there is technology that is going to need to come into play, and certainly education is going to need to come into play.

Training of law enforcement is a big one in our office. We sponsor a lot of training around the Advanced Roadside Impaired Driving Enforcement (ARIDE) program and the Drug Recognition Expert (DRE) program. At the time an officer detects an individual may be under the influence while driving, law enforcement can use these skills roadside to get an idea of what may be going on and what the next steps are. We are highly focused on training and education for law enforcement. Data collection is an important piece as well. We have very poor data collection around this for a variety of reasons. We will see some initiatives around laboratory testing and better toxicology analyses to give us an idea of how to approach interventions in this arena.

Assemblyman Roberts:

I was really curious about the DRE standpoint. Many times, police officers—and I was one—do not recognize some of the symptoms of the people they run into on a regular basis. Anything we can do to help in that area, I am certainly open to. I appreciate your time, your presentation, and all your efforts.

Amy Davey:

We have also worked very successfully with Peace Officers' Standards and Training (P.O.S.T.) Commission this year. It looks like they will be establishing ARIDE training as the base level. There are three levels of roadside impairment training for law enforcement. One is the standard field sobriety test. The next level is ARIDE. It looks like P.O.S.T. will be establishing ARIDE as the base minimum level for law enforcement training, which we think is really helpful. Then, again, we are supporting a lot of DRE training throughout numerous law enforcement agencies statewide.

In the case of the multiple bicyclist fatality in southern Nevada, we know that was a very complex DUI situation in which a DRE is valuable on-scene.

Assemblywoman Summers-Armstrong:

I am curious about the Zero Fatalities project and your public safety announcements. I have not heard a lot of information about marijuana getting out to folks. That does not appear to be part of your public outreach. I live in the core of downtown Las Vegas near the Strip, both north and south, and in my comings and goings, I see a lot of people in the area who are driving with California plates. They are excited to be here in the land of recreational marijuana. I am not certain if they are clear that they are supposed to only imbibe inside their homes or another safe place. Of course, they end up driving. Have you thought about expanding the reach of your campaign to include this? I think this is a discussion that we need to have publicly with our visitors.

Amy Davey:

You are absolutely right. We have done only one marijuana-focused educational campaign. We did that very early, right after recreational marijuana became legal in the state. There are a couple of reasons—and these are not excuses—but one reason is our funding, which is primarily federal funding from NHTSA. There are very strict rules and, of course, marijuana still being illegal federally means the rules are somewhat complex when it comes to paying for outreach and education in this area.

We have also had some successful relationship building with the marijuana industry. This is something we really want to continue because we find the marijuana industry is interested in expressing responsibility and bringing education and outreach to its consumers as well. We have had some luck in building relationships with them. You are absolutely correct; we need to do a better job of education in this area.

Andrew Bennett:

For the Zero Fatalities program, we have a series of public safety announcements coming out in the next six months. I am very much looking forward to seeing our last one, which is a marijuana-specific public service announcement regarding marijuana and DUI. To echo Administrator Davey, we did the first one right after recreational marijuana was legalized, and we are currently looking at one to release during June and July of this year. In addition, every fifth post on Zero Fatalities on social media, which is "ZerofatalitiesNV" on Facebook, Instagram, and Twitter, is impairment. We try to get as much in there about marijuana as well, just because of the funding restrictions. The state pays for our social media. We do have that second campaign coming out as well.

Assemblywoman Summers-Armstrong:

I am thinking about my kids and their peers. You may need to jazz it up a little bit. It is good to hear that the marijuana industry is wanting to partner with you. Are they talking about partnering with you in a similar manner as the gaming industry does in helping with addiction or from the perspective of use and the legal way to use in our state?

Amy Davey:

Mr. Bennett, do you want to comment on our coalition with Lyft in southern Nevada and some of the work we have done with the marijuana industry, particularly in southern Nevada.

Andrew Bennett:

Partnerships were a key portion of our program. We understand that our reach is limited. It was important for us to get to the point of sale. Throughout the last three years or so of Zero Fatalities, we expanded our private partnerships with private industry. In terms of impairment, both with alcohol and with marijuana, we thought it was important to have these partnerships on the alcohol side.

On the marijuana side, the largest contribution that Lyft makes in traffic safety is through two coalitions based regionally. In southern Nevada, it is the Las Vegas Coalition for Zero Fatalities. We have had a variety of different partners, including two marijuana companies that have worked with us on in-store messaging as well as getting out to the public in their reach. They have large followings on social media, and those are the folks we do need to hear. One of the most successful posts one of these companies has had was an anti-DUI message that we collaborated with them on. It is important for us to work with bringing them into the coalitions, as well as getting the message to their consumers. We have been successful, and we look to expand our efforts.

Assemblyman Ellison:

We were talking about distracted driving. I am on the highway a lot, driving five to six hours each direction every week. I see truckers using their phones. Some have headsets, but most do not. I can see these truckers drifting from side to side. Is law enforcement truly enforcing the cell phone usage law?

I also believe the Department of Transportation (NDOT) needs to put signs on the road reminding people they can be ticketed for driving and using a phone. I pass cars from other states constantly, and the drivers are using their phones.

Amy Davey:

Following our presentation, the Nevada Highway Patrol, which includes the commercial motor carrier enforcement division, will be presenting. Perhaps I can ask them to comment on your commercial vehicle enforcement question. We work closely with them on their motor carrier program, and we do a lot of joint messaging. I will let them comment on enforcement of distracted driving related to the trucking industry. I have NDOT representatives who are in the meeting with us, and perhaps either of them would care to comment on whether or not NDOT has considered any signage specific to reminding drivers about distracted driving.

Sondra Rosenberg, P.T.P., Assistant Director, Planning, Department of Transportation:

I believe we do have signs up at the state line, but I would be happy to follow up with you. I will verify whether we have those signs and to look at what we have throughout the state. I believe we have them at the state lines, as many states do, to notify drivers of the state laws with respect to cell phone and other distractions.

Assemblyman Ellison:

I travel Interstate 80 and U.S. Highway 50 a lot. I have never seen a sign. It may be something to look at and address for traffic safety.

Anne K. Carpenter, Colonel, Nevada Highway Patrol, Department of Public Safety:

Yes, the commercial enforcement does enforce any cell phone infractions when they are seen. I will definitely talk to our team and make sure they are aware.

Chair Monroe-Moreno:

Are there any further questions from the Committee? [There were none.] I want to thank you for the excellent presentation today. Although using pictures from live scenes are traumatic, it brings it home and helps us all carry the message that we need to be safer on our highways. Thank you for the work you are all doing and joining us here today.

We will move to the next presentation on our agenda. I believe the Nevada Highway Patrol has been able to join us. I am sorry about the mix-up at the beginning and the technical problems. Thank you for being here, and you can start your presentation.

Anne Carpenter:

I am the Chief of the Nevada Highway Patrol (NHP), Department of Public Safety. I would like to introduce Major James Simpson and Captain Martin Mleczo, who will also be presenting with me today. It is my pleasure to be here to provide an overview of the Nevada Highway Patrol to the Assembly Committee on Growth and Infrastructure and thank you for inviting us.

Today, we will be providing a brief overview of the Nevada Highway Patrol—the reason we exist, our service areas, our organization, our key focus areas, our challenges, and some highlights from the past year. After the presentation, we would be happy to answer any questions you may have.

The mission of the NHP [page 2, [Exhibit F](#)] is to be a trusted law enforcement leader focused on safeguarding Nevada citizens and visitors through public safety. Our vision is to be a committed law enforcement leader focused on public safety through traffic enforcement, education, and engagement.

Chapter 480 of *Nevada Revised Statutes* provides for the creation of the Department of Public Safety (DPS) and under its authority, provides for the creation of several divisions, including the NHP [page 3]. This chapter also provides for the creation of the NHP division, its composition, powers, duties of its chief, contracting authority for control of vehicular traffic in connection with special events, and duties of personnel.

The Nevada Department of Public Safety, Nevada Highway Patrol division, enforces the traffic laws of the state, investigates traffic collisions, assists motorists, provides mutual aid or first responder assistance, and enforces and regulates commercial vehicles transporting cargo and hazardous materials [page 4]. Our core activities include traffic operations, commercial enforcement operations, and administrative support services statewide, serving all 17 counties. Our special operations include fatal or high-profile investigations, criminal interdiction, and taskforce officers who work alongside state, local, and federal partners, all of which contribute to our overall objectives.

The Department of Public Safety's Director and Deputy Director provide broad oversight to the NHP. Our total number of authorized positions for the upcoming biennium is 596, which is comprised of both sworn and nonsworn positions. Our team is committed to our mission, vision, and goals to help ensure the safe, economical, and enjoyable use of Nevada's roadways. These men and women are dedicated to protecting Nevada's greatest resources, which are our citizens and visitors.

The NHP has also taken a proactive leadership approach in educating the public with the use of social media platforms and messaging campaigns with our various partners. We are also committed to increasing public awareness on our "Big 5" focus areas, which are covered on the next slide [page 5]. I will now turn the presentation to Major James Simpson.

James T. Simpson, Major, Nevada Highway Patrol, Department of Public Safety:

I am also the Deputy Chief of the Nevada Highway Patrol. What are the "Big 5?" The Big 5 are the five most dangerous collision causes and behaviors that will most likely result in death or serious bodily injury. The Big 5 include impaired driving, hazardous moving violations, speeding, distracted driving, and occupant restraints. These are the five different causes of the problem of fatal and serious bodily injury crashes that claim too many lives every year, which leave behind a path of destruction. The ripple effect that these crashes have on families, friends, first responders, and our Highway Patrol families, is unmeasurable.

While legal technology and roadway infrastructure have improved, they are not a replacement for driver behavior and poor decision making that ultimately contribute to the Big 5. Together, with our stakeholder and partners, we will work to identify new and innovative methods to educate our communities on our mission and our programs, and how we can improve compliance in the top primary collision factors here in Nevada.

Over the years, we have listened, we have learned, and we have modified our efforts to focus on three critical emphasis areas that directly impact traffic safety [page 6]. This has been branded as the "3 Es": education, enforcement, and engineering.

Here are a few educational programs we would like to highlight. The first is "Below 100." This campaign focuses on law enforcement safety to help reduce the number of law-enforcement-related deaths to below 100 per year. That is a number that has not been reached since 1943. "Drive" is a driver-safety course designed by the NHP and was created to help young drivers understand the dangers of driving. Through educational videos, pictures, and real-life stories, troopers help teens to develop a new perspective on roadway safety. Drivers Edge is a free half-day program that teaches real-life emergency avoidance and overall driver safety. It is aimed at individuals 21 years old or younger getting their license or permit.

Finally, we have Advanced Roadside Impaired Driving Enforcement. This course trains law enforcement officers to observe, identify, and articulate the signs of impairment related to drugs, alcohol, or a combination of both. This program is designed to reduce the number of impaired drivers and impaired-driving-related traffic collisions on our highways.

The second E focuses on enforcement. Motor vehicle crashes are one of the leading causes of death in the United States. Many may automatically assume that enforcement is centered around writing citations or making arrests when necessary. Whether through a written citation, a written or verbal warning, or simply by being visible, enforcement and education are vital to modifying driver or pedestrian behavior. Examples of these educational and enforcement programs include Joining Forces and the Nevada Ticketing Aggressive Cars and Trucks program, also known as Badge on Board [page 7].

Joining Forces is specifically a multijurisdictional law enforcement program that promotes statewide enforcement in the areas of impaired or distracted driving, pedestrian safety, speeding, and seatbelt use. Badge on Board is a highly visible media campaign and enforcement program designed to educate motorists on how to share the road safely with commercial motor vehicles.

This slide shows the Nevada Highway Patrol's key partners in planning and implementing the Nevada Strategic Highway Safety Plan [page 8]. The NHP develops, implements, and evaluates strategies toward reducing fatal and serious crash injuries. Their leading cause is by focusing on impaired driving, occupant protection, distracted driving, speeding, and motorcycle safety. The NHP also encourages innovation to develop new and effective ways of keeping roadways safe, lessening the chances of another tragic incident. Through road safety audits, the NHP is better able to offer countermeasures in perspective to roadway safety engineers and developers to improve or build upon existing highways and roadways.

I will now turn the presentation over to Captain Martin Mleczko.

Martin A. Mleczko Jr., Captain, Nevada Highway Patrol, Department of Public Safety: Community partners are essential to widespread change, and we could not be where we are today without the support system before you [page 9]. Because of them and your legislative assistance, the NHP would like to thank its many community partners. Today, we would like to highlight one partnership in particular, the Nevada Donor Network, Inc.

December 2020 marked the fifth anniversary of the Department of Public Safety's statewide partnership with the Nevada Donor Network. Together, we have shared this remarkable opportunity to make life-changing, positive impacts through organ, eye, and tissue donation on behalf of the heroic donors, their generous families, and those who wait for these much-needed gifts. Since the beginning of this partnership in December 2015, the Department has made 321 referrals to the Nevada Donor Network. Through our efforts alone, the Department has helped thousands on the waiting list with tissue transplants and 58 others with the gift of sight. Moreover, several divisions throughout our Department have now joined forces with the Nevada Donor Network to sponsor individual donor registration and community service events, resulting in over 4,000 donor registrations statewide.

This innovative and model partnership has not only been recognized statewide, but also nationally for our significant contributions and the impact it has on organ, eye, and tissue donation. The Department of Public Safety remains fully committed to supporting the many partnerships you see before you [page 9].

There are many challenges that are impacting our ability to focus on the Big 5, let alone education, enforcement, and engineering [page 10]—more specifically, keeping Nevada's roadways safe. As demands increase year after year, our vacancy rate continues to worsen. These vacancies contribute to reduced service levels, increased response times, and decreased visibility. While we are committed to making Nevada stronger, these vacancies, coupled with projected separations, will only intensify these challenges, making it more difficult to meet our performance measures.

As shown on the chart before you [page 10], the human resources data warehouse shows that 132 employees are eligible to retire by 2025, an additional 222 through 2030, and 518 by 2035. That is nearly an 87 percent potential turnover from retirement alone. These figures do not include those employees who have or are planning to purchase service credit. Therefore, more employees are eligible to retire sooner, further accelerating our employee turnover and service reduction to citizens of the state.

Before I turn the presentation back over to Colonel Carpenter, I want to share this photo with you [page 11]. This is not just any ordinary photo. These five Nevada state troopers are standing in front of the ghost bike, which is in memoriam to the five cyclists who were taken from us too soon on Thursday, December 10, 2020.

From left to right, first is trooper Adam Welsh. Trooper Welsh is the primary investigator in this horrific crash. He is working alongside his team today to map out the unfortunate events.

Next is trooper Jeff Freeman. Trooper Freeman was responsible for the commercial motor vehicle inspection of the heavy machinery that just claimed five lives.

Next is Sergeant Jeremy George. Sergeant George was one of the first responders and supervisors on scene who had to navigate the chaos while trying to manage resources and response efforts.

Next is Trooper Ashlee Wellman. Trooper Wellman represents the leadership and fortitude that our division represents in time of tragedy and need.

Lastly, is Trooper Travis Smaka. Trooper Smaka is our public education officer, who not only responded, but had to try to make sense of the unimaginable, all the while being revictimized countless times over and over as he provided interviews to news outlets.

The reality is, we did not want to leave you with just another data point, another line item, and another mission statement. We want to leave you with a sentiment that I know is shared by everyone who puts on the badge every single day in our Department, and each of you today.

In my nearly 16 years of having the privilege of working for the Department, we have lost over 5,032 lives on our roadways across the state. That number has continued to grow. We cannot allow ourselves to see this number as just another set of data. These were lives that were lost and families that were forever broken. We owe it to them to have a sense of urgency in our tone when discussing our mission and potential, as lives are on the line.

The potential and greatness of these lives lost are simply unknown. The loss of life that we witness as state troopers stays with us well beyond the end of our careers. The Legislature, your troopers, your fatality team investigators, your commercial troopers, your public information and education officers, as well as your Committee staff members, all understand what it is like to be there when someone takes their last breath or to console grieving parents, family members, and friends. We remember, we reflect, and we understand. We also know we can do better, but to do more to be more effective, we need resources.

Much like you have seen in our presentation today, and like those five pictured above would also say, hesitantly, we can try, but we are simply not enough. It is not just us who suffer, but all Nevadans. We are purpose driven but people powered, and we need help to move forward.

Anne Carpenter:

We thank you for your time, your energy, and your support. On this slide [page 12], you will find my contact information. Should the Committee need anything at all, please do not hesitate to contact me. We are now available for questions.

Chair Monroe-Moreno:

Thank you for your presentation. We would like to thank our men and women who put on the uniform every day to protect all our lives. There is no amount of thank-yous that could be enough but thank you. I know we have a few questions, but I would like to ask you one first. I sit on the Assembly Committee on Ways and Means, which is our money and budget committee. When presented with budgets, we cannot ask policy questions. I would like to go back to slide 10 [page 10, [Exhibit F](#)] showing those who are eligible for retirement. We know your numbers are operating low; can you tell us a little bit about what you are doing to help with retention of officers and recruitment of new officers?

Anne Carpenter:

Our Department has said this before, it comes down to a few things. It is the pay, the benefits, and the Public Employees' Retirement System's (PERS) contribution. People love this job and love the Department. I will have 26 years with this Department next month.

However, it is very difficult for us to recruit and retain people with pay and benefits. If their PERS contribution is too high, it is very difficult for them to meet their obligations with their family, et cetera.

Another issue we are having is because of the political climate. We are having a difficult time recruiting people for law enforcement in general. We have done amazing things—we can always do more—but we have done some things on social media in trying to get the word out there to get the best and brightest who want to be in law enforcement and make a career out of it. However, we are struggling for those reasons.

Chair Monroe-Moreno:

We have a few other questions, and I may have another comment before we close the questioning.

Assemblyman Yeager:

I just have a quick comment. Colonel Carpenter, I like the sound of Colonel Carpenter and just want to congratulate you on your historic appointment to lead the Nevada Highway Patrol. We have worked a lot together over the years when you were the Chief of the Division of Parole and Probation within DPS. I will miss working with you in that role, but what a gain for the NHP. I look forward to working with you and your team as we try to navigate some of these challenges.

Assemblyman Wheeler:

I was going to ask about your recruitment efforts, et cetera, but I have another question for you. Has the law that drivers have to move over to the right lane if they are not passing ever been enforced?

Anne Carpenter:

I am sure it has, but I am sure it probably has not been enforced as it probably should be.

Assemblyman Wheeler:

That is something I see every single day on the way to work.

Anne Carpenter:

Thank you for your comment and concern. We will definitely get that out to the troopers.

Assemblyman Wheeler:

I know you have put signs on U.S. Highway 395 and Interstate 80; people must look at them and think they can go slower in the left lane.

Assemblyman Miller:

Thank you for your presentation and your work to keep Nevada's highways safe. I do have a question regarding the recruitment of new law enforcement officers. What is the starting pay for the Highway Patrol, and how does that compare to other law enforcement sectors?

Anne Carpenter:

I do not know exactly what that number is, but I can get that information for you. Salaries vary because there are many variables. The way DPS officers are paid versus the local law enforcement is we, as state employees, have to pay anywhere from 20-something percent to 40-something percent of our PERS. The Department of Public Safety officers feel a little bit bamboozled when they get their paycheck because so much is taken out for the PERS contribution.

I just received the answer as to how much the starting pay is. It is \$53,598.96 per year, but that does not include the PERS contribution. When officers get their paycheck, it is substantially lower.

Assemblyman Miller:

I am still learning a lot of this, so please forgive me. Is your PERS contribution different than other PERS contributions within the state, or is it the same for all state employees?

Anne Carpenter:

It is not that the PERS contributions are different, it is how it is paid. With the state, we have to pay a contribution ourselves, whereas in other local entities who have contracts in place, the employer will pay a percentage of the contribution.

Chair Monroe-Moreno:

For most local agencies, the agency pays the officer's PERS contribution, either through a union contract or a mandate. I believe the only law enforcement officers in the state currently who have their PERS contribution not paid by their employer are our state law enforcement officers. We can get the follow-up information, but I believe that is the way it is currently.

Are there any other questions?

Assemblyman Roberts:

I would like to follow up on Assemblyman Miller's question. Some organizations actually negotiate their contracts throughout the year. Employees do pick up the PERS contribution; they just never got the money. The employer picks up a portion of an increase, and it is then negotiated through salary. For instance, people at the Las Vegas Metropolitan Police Department who have 25 to 26 years of service, about half of the PERS contributions were monies that were negotiated through contracts that are theirs, so only a portion of it is paid. It varies depending on contract to contract.

Chair Monroe-Moreno:

Yes, it does vary from agency to agency and contract to contract. However, our state law enforcement officers have the lowest contribution from employers of any of our policing agencies in the state.

Anne Carpenter:

The Department does have a white-paper study on this issue that we could submit for your perusal [[Exhibit G](#)].

Chair Monroe-Moreno:

If you would send that to our committee manager, that would be wonderful. She can then get that information to the entire Committee. Are there any other questions from the Committee? [There were none.] Thank you again for your presentation. I know we will probably be seeing you a few more times as we enter into our bill hearings. I have to say, I am loving the girl power in the Department.

That takes us to our final presentation for the day. We will be joined by members of the Colorado River Commission of Nevada.

Eric P. Witkoski, Executive Director, Colorado River Commission of Nevada:

With me today is Sara Price, our Senior Assistant Director; Gail Bates, our Assistant Director of Hydropower; and Warren Turkett, our Natural Resource Analyst.

This slide [page 2, [Exhibit H](#)] is an overview of what we would like to tell you about today, and give you a little history on the Colorado River Commission of Nevada (CRCNV), because we are an old agency. We go back to 1935, so we are approaching 86 years old. We will tell you the makeup of our Commission, funding, the budget process, and then point out that we are audited every year. We will then go over the hydropower programs, the natural resource and environment programs, which is our water, and the power delivery and energy services.

Our predecessor was the Colorado River Development Commission or Development Authority [page 3]; I have seen it both ways. It was formed in the 1920s to be a part of the negotiations of the Colorado River Compact of 1922. That compact was ratified in 1928 as part of the Boulder Canyon Project Act. The CRCNV was created in 1935 with the upcoming completion of the Hoover Dam and to also manage the river allocation for Nevada. In the 1940s, southern Nevada was involved in World War II because the United States needed magnesium and titanium, which was developed at the Black Mountain Industrial (BMI) Park.

At the end of World War II, the assets from those facilities were transferred to the CRCNV [page 4], then the CRCNV transferred those to private industry. In the 1950s, we worked to provide them power, hydropower, and other power if they needed it. As we approached the 1960s, there was a need for a water system to deliver the Colorado River water to the various cities that were starting to grow here. That took some time.

In the 1970s, 1980s, and 1990s, we saw growth. There was some disagreement between the cities as to the allocations of the water. Some were underusing and some were overusing. To bring some management to that process is why the Southern Nevada Water Authority

(SNWA) was formed. I included this map as a reminder as to how Las Vegas has grown [page 5]. This shows Las Vegas in 1972 and 2017 so you can see how much it grew and that there has been a need for the infrastructure.

In 1991 [page 6], to coordinate the water management and conservation of the Colorado River water, the SNWA was formed by interlocal agreements. In 1993, the makeup of the CRCNV was changed to include three members of SNWA. The reason for that was because 95 percent of the water that SNWA purveys comes from the Colorado River. In 1995, the pipes and pump system that the CRCNV started building with the federal government in the 1960s was transferred to SNWA so the local governments could finance that and plan for growth. At that time, they also did a capital program so they could continue. In the 1990s, as many of you probably know, there was a lot of growth. That growth actually extended all the way until 2007. This was a way for them to organize, grow, and finance it at the local level. It was also part of legislation that made the CRCNV and SNWA partners on the issues involving the Colorado River. We are still involved with the negotiations with six other states, the federal government, and other stakeholders in the management of the river.

Our other responsibilities [page 7] include the hydropower allocations that come from various dams, including Hoover Dam, Glen Canyon Dam, Parker Dam, and Davis Dam. We also interact with the federal government with reclamation and the Western Area Power Administration (WAPA), U.S. Department of Energy, on the rates that are charged and the investments that they make.

Our Power Delivery Project Division builds the electrical infrastructure for the water and wastewater pumping for SNWA and Clark County Water Reclamation District. We also have another division, the Silver State Energy Association, which purchases energy for the members, such as SNWA.

These are the current members of the Commission [page 8]. Four are appointed by the Governor and three by SNWA. The members appointed by the Governor are listed on the left, and members from SNWA are on the right.

There is no funding from the State General Fund [page 9]. Our funding comes from administrative fees on the water delivery and the revenues from the sale of power. We currently have a staff of 33.

How our budget process works [page 10] in the even years, or the year before a session, is we meet with our customers in April to May. That budget is presented to CRCNV in June. There is no vote taken in June as it is only for informational purposes and to get feedback from the commissioners. The final draft of the budget is submitted in July or August. This last year, it was submitted in August. Once it is approved, we submit it to the Budget Division, Office of the Governor, just like other state agencies.

Each year, we are audited by an independent firm [page 11]. We have bonding authority, so we have to be audited each year. When we have success, we receive a certificate of achievement in the financial reporting.

This map [page 12] gives you an overview of the upper basin and lower basin and the states we are involved with. The two major dams are on Lake Powell and Lake Mead. These are the other dams: Hoover Dam, Davis Dam, Parker Dam, and Glen Canyon Dam [page 13].

This is how it works [page 14]. Sometimes people think we own the dams. We do not. The Bureau of Reclamation, U.S. Department of the Interior, operates the dams. Western Area Power Administration within the Department of Energy is the agency we actually contract with. They also run the transmission and marketing of the power. We, in turn, have contracts with our customers. We currently have 23 customers. Those 23 customers are listed here [page 15]. The first retail customers were those at the BMI Park. Our wholesale customers are Nevada Power Company, Lincoln County Power District No. 1, Boulder City, Overton Power District No. 5, and Valley Electric Association. We provide power for the water and wastewater for SNWA, various cities, and Clark County Water Reclamation District. We do have a small sliver of hydropower that goes to new customers that started in 2017. Some state agencies, the Clark County School District, and the University of Nevada, Las Vegas, are listed on the far right.

These are some of the activities with the Bureau of Reclamation [page 16]. This is a picture of where we meet with the Bureau of Reclamation. Our process is a little different. I come from a process where a lot of arguments are made before the Public Utilities Commission of Nevada (PUCN) and then the PUCN decides the rates. In this forum, there is no profit or return on equity. There are many meetings to discuss investments, the ten-year plans, and what is next. There is a lot of interaction on the operations of the generation.

Similarly, WAPA, which runs the transmission lines, also has ten-year plans to run the investment and various programs. This is an example of one of those programs where they are looking at the regional markets [page 17].

Hydropower is a valuable resource [page 18], and it is cost-based. It is now recognized as a renewable resource. Hydropower is under Senate Bill 358 of the 80th Session. We appreciate that bill being passed. It is also a flexible resource that can be run when solar or wind are unavailable. That is what they call "black start" capability. If we were to have an outage in the southwest, we can use the dams to start the systems back up. That does add quite a bit of value.

The Natural Resource Division [page 19] focuses on water and the environmental issues we deal with. I will address them on the following pages.

Water and decree accounting are very important and is what some of the CRCNV staff is responsible for. It is calculating the consumptive use of the Colorado River water, which is required by the United States Supreme Court. As background, the Colorado River Compact was signed in 1922, but Arizona did not sign until 1944. However, they still had some issues and there were a lot of lawsuits. It finally ended up at the United States Supreme Court in 1963. There was a decision and the decree came out in 1964. That controls the allocations of where Arizona is now. The allocations that were done in 1922 are the allocations we use today. The United States Supreme Court retains jurisdiction in this matter.

Return-flow credits allow us to take more from the Colorado River than our 300,000 acre-feet, but return-flow credits are obtained by returning the water back to Lake Mead. That brings us below our 300,000 acre-feet.

This chart [page 21] shows Nevada's Colorado River consumptive use. It shows our allocation, diversion, return-flow credits, the consumptive use, and the unused allocation. I will note that back in 2002, we were exceeding our 300,000 acre-feet at 325,000. That is why the SNWA had aggressive conservation activities to reduce the nonfunctioning turf or grass in yards, and other kinds of things that were not necessary.

The next slide I am going to touch on is the Drought Contingency Plan (DCP) [page 22]. As you know, starting in 2000, we have had less water than we have had in the past. The stakeholders in the states involved in the river came up with some surplus guidelines in 2007 that require a contribution to redact reductions from water taken from the river. As the drought has continued, they negotiated the DCP, which is an additional insurance policy that requires more contributions. As the lake goes down, there has to be more contributions from the various states. This chart [page 23] summarizes how that works. There are the 2007 guidelines and then the DCP contributions. This varies based on the lake levels.

We are also involved in negotiations with Mexico [page 24]. This stems from a 1944 treaty between the United States and Mexico over the river. There are continued negotiations. You see the term "Minute," which is a sub-agreement managed under the treaty. Minute 323 is an extension of the prior Minute 319 that Mexico will share in shortages, just like the other states. It allows them to store water in Lake Mead. In addition, other states can make investments in Mexico to help them with their infrastructure in exchange for water.

The next program I will mention is the Colorado River Basin Salinity Control Forum [page 25]. Ms. Price is a representative from Nevada on that forum. It works to reduce the salinity, or the salt, in the water. The Colorado River has a naturally occurring salinity, and it can have some effects on infrastructure, so they try to reduce it.

There are two primary environmental programs on the river [page 26]. The Lower Colorado River Multi-Species Conservation Program (LCR MSCP) protects endangered species and their habitats from Lake Mead to Mexico. There is also the Glen Canyon Dam Adaptive Management Work Group.

The LCR MSCP started in 2005 [page 27] and balances the use of the river and also meets the requirements of the Endangered Species Act of 1973. In other words, trying to preserve the species in the river. One of the goals is to create 8,132 acres of new habitat, of which 6,049 acres have already been created over 13 mitigation sites. It also helps augment the population of the native fish.

The Glen Canyon Dam Adaptive Management Work Program is a forum to provide input to dam operations from the various stakeholders. We have a lot of stakeholders, including users of the hydropower, environmental concerns, and rafters.

The electrical infrastructure is used to deliver electricity to SNWA [page 29]. As I mentioned, back in 1995, there was a transfer of the pipes and pumps to SNWA for water delivery. The CRCNV began focusing more on the electrical infrastructure and building substations and transmission lines to serve the pipes and pumps. We have a division that works to do that. We also maintain some substations for SNWA and the Clark County Water Reclamation District.

The Energy Services Group was formed in 2007 to look at various possibilities of joint planning, possible transmission, and to look at economies of scale for purchasing power. There are larger amounts of power that can be bought with several members together to get a better price. In 2013, some CRCNV and SNWA employees started purchasing that power on behalf of the members. The members of the Silver State Energy Association include Boulder City, CRCNV for BMI customers, Lincoln County Power District No. 1, Overton Power District No. 5, and SNWA for its member agencies. SNWA member agencies include the Las Vegas Valley Water District, City of Henderson, City of Las Vegas, City of North Las Vegas, and the Clark County Water Reclamation District.

That is an overview of what we are involved with, including the hydropower, water, power delivery, and energy services. That completes our presentation. We would be happy to answer any questions.

Chair Monroe-Moreno:

Thank you for the very informative presentation. Are there any questions from members?

Assemblywoman Peters:

I have a variety of questions, but I think I am going to stick to two. My first question has to do with the Bureau of Reclamation. Could you update us on what their appetite is to continue to fund investments in hydroelectric production and dams?

Eric Witkoski:

To clarify, do you mean in maintaining existing dams or new builds?

Assemblywoman Peters:

Existing dams.

Eric Witkoski:

They do have a ten-year plan to do that, and that is what we have meetings for—to look at their investments and to maintain them. So, yes, they are. We have been a little concerned with the pandemic because part of the revenues from the tours also help offset the cost of operations. That could be anywhere from \$10 million to \$12 million. We have been continuing discussions with them and are expecting that stream of revenue. Because the dam has changed in the way that it charges for tour buses, the revenue should be there. However, we are monitoring those types of things.

Assemblywoman Peters:

For the ten-year plan, could you give us a timeline as to where we are within the ten years?

Erick Witkoski:

It is a rolling ten-year plan. Ms. Bates can give a little more background.

Gail A. Bates, Assistant Director, Hydropower, Colorado River Commission of Nevada:

As Mr. Witkoski mentioned, it is a rolling ten-year plan. Every year, we start a dialogue with the Bureau of Reclamation, and they inform us as to major improvements in the dam they see coming down the pipe. The contractors get together to have discussions about funding and the need for improvements. We work collaboratively with the Bureau of Reclamation to put that plan together.

Assemblywoman Peters:

I want to be clear. Are we comfortable with where the Bureau of Reclamation is headed in the near future, at least within the ten-year scope?

Gail Bates:

Yes. The Bureau of Reclamation produces a strategic plan, and maintaining the value of hydropower for the contractors is always among the top priorities. They are always keenly interested in what is needed to operate and maintain the dams and collaborate very closely with customers on how to make that happen.

Assemblywoman Peters:

I know there has been a lot of talk about the benefits and cost of hydroelectric. Could you give us a status update as to where we are with regard to the negotiations with Mexico and the expiration of that 2026 timeline?

Eric Witkoski:

The DCP, which was done in 2019, will last until 2026. We are working with the other states now. There will be a lot of modeling. They will look at the river and there will be some sophisticated modeling on what they think the river will do over the next 10 to 20 years. That will drive the discussions of the negotiations. Ms. Price, would you like to weigh in?

Sara A. Price, Senior Assistant Director, Colorado River Commission of Nevada:

You are referring to Mexico, so the Minute 323 that we negotiated also expires in 2026. We are running in concert with Mexico. When Congress approved the DCP, that kicked into action the Binational Water Scarcity Contingency Plan that Mexico had agreed to in that Minute. When that happened, now Mexico is in concert with the United States and participating in contributions based on lake elevations. We will have that in concert through 2026.

The Colorado River Interim Surplus Guidelines that preceded the DCP expire in 2026. Right now, we are at the very beginning of what we are calling the "renegotiations," and all of this will be folded into it. Quite frankly, the DCP was an important, pivotal step forward, and we will be building off of that. Unfortunately, with the drought really exacerbated and continuing, there is likely going to be a need for more contributions and more conservation efforts, so we will be able to build on those foundations.

So far, we have worked tremendously well with Mexico, as well as through the upper basin and the lower basin. The upper basin is going through its own drought management that they have never really done that before. It is going to be very busy for the next five years.

Assemblywoman Peters:

I am glad to know we are getting started on it because the modeling efforts can be exhaustive. I am glad to hear we are getting an up to five-year start and cannot wait to hear more about how things are going.

Assemblywoman Summers-Armstrong:

You recently spoke about the drought and the water levels. Is the production of hydroelectric power at risk with the current levels, or do we have a level predictor where you think it may become a real issue?

Eric Witkoski:

Currently, what they try to do as part of the modeling is to keep the hydropower in line. The lake levels can go pretty low before we are unable to generate power. It is always a consideration, but we are not currently at that point. However, with droughts, there is less power. I think we have seen about a 5 percent reduction. We are continuing to monitor that. I believe we do have a fair amount of cushion before we get to that situation. I think there would be other avenues for contributions to preserve the lake levels with the hydropower. Have I missed anything, Ms. Price?

Sara Price:

I think that is all correct. Part of this conservation, surplus guidelines, and drought contingency plans, are all about protecting critical lake elevations. A primary piece of that is ensuring we continue to have hydroelectric production. Clearly, as the lake is dropping, it is impacting that production. I believe the critical elevation in the upper basin in Lake Powell

is 3,490 feet. I think in Lake Mead, we can produce power down to 950 feet. However, again, we are not getting the same level of production we would get at higher lake elevations. That is a critical piece of the management.

Assemblywoman Summers-Armstrong:

That is very concerning. Obviously, you are all taking that into consideration, and as the drought continues, we have to keep that in mind. What event or events caused the change in your board makeup?

Eric Witkoski:

In 1993, when they added the three members from SNWA, I believe it was done because in 1991, SNWA brought all the cities together to manage the resource as one. Because SNWA gets 90 percent of their water from the Colorado River, I believe that was the rationale for adding three members.

Assemblywoman Peters:

I am wondering about the 13 mitigation sites you mentioned [page 27, [Exhibit H](#)] and where those are located. Are they located on the body of water or adjacent to it within the same basin, or are they outside the basin, and are they replacement habitats?

Sara Price:

One mitigation site is in southern Nevada. They are primarily through Arizona, but they are all within the Colorado River basin, and the (LCR MSCP) covers those areas. It is all within the boundaries and ends at the border of Mexico. This program started in 2005 and is a 50-year program. I would be happy to get you more detailed information so you can see the mapping of where those sites are and the accomplishments we have made to date. We have come a very long way in a very short period of time.

The Glen Canyon Dam Adaptive Management Work Group works in the upper basin, and there are recovery programs in the lower basin as well. The LCR MSCP has been so successful, that it is truly starting to be a masterpiece that is providing expertise in the upper basin as well. It really functions as an insurance policy among all of the stakeholders. It is a 50-50 cost-year program between the federal government and the states. We split it in the lower basin, with California picking up 50 percent, and Arizona and Nevada picking up the difference. This is the conservation mitigation program that will likely get folded into the renegotiations, depending on whether we need to expand conservation needs in the reservoirs.

Chair Monroe-Moreno:

Would you send that map and information to the Committee so we can all have access?

Sara Price:

I would be happy to.

Chair Monroe-Moreno:

That brings us to the end of this presentation. I would like to thank all the presenters we had today for joining us. We may see you as bills come to our Committee if they engage your departments or agencies.

The last item on the agenda is public comment. [The Chair reminded everyone of the public comment rules and protocol.]

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

I would like to take this opportunity to say thank you to our friends at the Nevada Highway Patrol. Colonel Carpenter was gracious enough to be on one of our weekly Zoom meetings a few weeks ago, talking to our members. We have a phenomenal relationship with both the Nevada Highway Patrol and the Federal Motor Carrier Safety Administration, U.S. Department of Transportation. We do consider them our partners in safety. We think they do a phenomenal job. Not only are they out there looking for the folks who are doing things they should not be doing, but here in Nevada, they also reward those companies that do things the right way by giving them clean inspections. That is something that is very much appreciated from our membership. It does demonstrate we are partners.

I would also like to address a comment made by Assemblyman Ellison. We absolutely believe that no truck driver should be using a handheld cell phone while operating a commercial motor vehicle. In 2012, the Federal Motor Carrier Safety Administration adopted regulations that provide for penalties up to \$2,750 for a driver who is using a cell phone while driving, and \$11,000 if a trucking company allows or requires their drivers to use those handheld devices. Safety is very important to us, and it is something that we care about. Many companies include in their employee manual that if a driver is using a cell phone while operating a motor vehicle, the driver is to be terminated. It is something we take seriously—safety overall, but definitely on that cell phone issue. I just wanted to get that on the record and say thank you very much to our friends at the Nevada Highway Patrol.

Chair Monroe-Moreno:

Is there anyone else wishing to speak in public comment? [There was no one.]

This concludes the meeting for today. Again, thank you to our presenters, the Committee members, our broadcast staff, and the members of the public who have been joining us here virtually. Our next meeting will be on Thursday, February 18, 2021, at 1:30 p.m.

This meeting is adjourned [at 3:27 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 copy of a PowerPoint presentation titled, Nevada Executive Committee on Traffic Safety," dated February 16, 2021, presented by Amy Davey, Administrator, Office of Traffic Safety, Department of Public Safety; and Chair, Nevada Executive Committee on Traffic Safety; and Andrew Bennett, Public Information Officer, Office of Traffic Safety, Department of Public Safety.

[Exhibit D](#) is a video regarding unsafe driving on roadways during the COVID-19 pandemic, presented by Andrew Bennett, Public Information Officer, Office of Traffic Safety, Department of Public Safety.

[Exhibit E](#) is a video regarding the Zero Fatalities program, presented by Andrew Bennett, Public Information Officer, Office of Traffic Safety, Department of Public Safety.

[Exhibit F](#) is a copy of a PowerPoint presentation titled, "Division Overview," presented by Anne K. Carpenter, Colonel, Nevada Highway Patrol, Department of Public Safety; James T. Simpson, Major, Nevada Highway Patrol, Department of Public Safety; and Martin A. Mleczko Jr., Captain, Nevada Highway Patrol, Department of Public Safety.

[Exhibit G](#) is a copy of an Executive Summary, dated May 2018, regarding Sworn Retention, submitted by the Department of Public Safety, submitted by Anne K. Carpenter, Colonel, Nevada Highway Patrol, Department of Public Safety.

[Exhibit H](#) is a copy of a PowerPoint presentation titled, "Colorado River Commission of Nevada," presented by Eric P. Witkoski, Executive Director, Colorado River Commission of Nevada.