

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

**Eighty-first Session  
March 31, 2021**

The Senate Committee on Growth and Infrastructure was called to order by Chair Dallas Harris at 3:40 p.m. on Wednesday, March 31, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Dallas Harris, Chair  
Senator Chris Brooks, Vice Chair  
Senator Pat Spearman  
Senator Scott Hammond  
Senator Keith F. Pickard

**GUEST LEGISLATORS PRESENT:**

Senator Pete Goicoechea, Senatorial District No. 19

**STAFF MEMBERS PRESENT:**

Susan Scholley, Policy Analyst  
Eileen O'Grady, Counsel  
Debbie Shope, Committee Secretary

**OTHERS PRESENT:**

Garrett Weir, General Counsel, Public Utilities Commission of Nevada  
Justin Jones, Commissioner, Clark County  
Susan Fisher, PeopleForBikes  
Nicole Rourke, City of Henderson  
Christi Cabrera, Nevada Conservation League  
Erin Breen, Director, Vulnerable Road Users Project, University of Nevada,  
Las Vegas  
Keely Brooks, Southern Nevada Bicycle Coalition  
Heather Fisher, Save Red Rock  
Eric Spratley, Nevada Sheriffs' and Chiefs' Association  
Curtis Calder, City Manager, City of Elko

Senate Committee on Growth and Infrastructure  
March 31, 2021  
Page 2

Jack Snyder, Deputy Chief, City of Elko Fire Department  
Barry Duncan, Nevada Taxpayers Association  
Randy Brown, AT&T  
Jamie Rodriguez, Washoe County  
Rusty Shaffer, Nevada Telecommunications Association  
M.J. Maynard, CEO, Regional Transportation Commission of Southern Nevada  
David Clyde, Associate General Counsel, Regional Transportation Commission of Southern Nevada  
Donald Snyder, Transportation Resource Advisory Committee  
Matt Walker, Motional; Southern Nevada Home Builders Association  
Dylan Keith, Vegas Chamber  
Rashard Mason  
Peter Guzman, President, Latin Chamber of Commerce  
Paul Catha, Culinary Workers Union Local 226

CHAIR HARRIS:

We will begin with the work session on Senate Bill (S.B.) 18.

**SENATE BILL 18**: Revises provisions governing penalties for certain violations relating to public utilities. (BDR 58-277)

SUSAN SCHOLLEY (Policy Analyst):

I will read the summary of the bill from the work session document ([Exhibit B](#)).

SENATOR PICKARD:

There are changes in the administrative fines in the proposed amendments. The aggregated fines were cut in half, but the daily fine doubled. What is the rationale for reducing one and not both?

GARRETT WEIR (General Counsel, Public Utilities Commission of Nevada):

The amendment language is a product of significant negotiation with the various entities affected by the proposal. The people who were involved during the negotiations felt comfortable with the numbers. It is not necessarily tied to any particular rationale.

SENATOR PICKARD MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 18.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR HARRIS:

We will now move to the work session on S.B. 170.

**SENATE BILL 170**: Makes various changes relating to off-highway vehicles.  
(BDR 43-464)

Ms. SCHOLLEY:

I will read the summary of the bill from the work session document ([Exhibit C](#)). I will note the amendments in the work session document will be referred to as exhibits 1, 2 and 3 in my testimony.

In exhibit 3, the Offices of the Public Defender, Clark County, and the Washoe County Public Defender's Office were looking to change the type and scope of penalties relating to the new provision requiring children to wear a helmet. The misdemeanor violation was removed and changed it to a civil infraction. It is submitted in exhibit 3. They added language clarifying the violation for the requirement of a child not wearing a helmet. It is not grounds for removing a child from custody or foster care and will not be used or admitted as evidence in any civil or criminal action for any purpose. As indicated by the Public Defender's offices, the amendment is acceptable to the bill's sponsor and was worked out in coordination with the Nevada Justice Association.

SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 170.

SENATOR SPEARMAN SECONDED THE MOTION.

Ms. SCHOLLEY:

I need to clarify it includes the three amendments as set forth in the work session document.

THE MOTION PASSED. (SENATOR PICKARD VOTED NO).

\* \* \* \* \*

CHAIR HARRIS:

We will move to the work session for S.B. 259.

**SENATE BILL 259**: Revises provisions relating to operators of tow cars.  
(BDR 58-179)

Ms. SCHOLLEY:

I will read the summary of the bill for the work session document ([Exhibit D](#)).

SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 259.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR HARRIS:

We will move to the final work session on S.B. 204.

**SENATE BILL 204**: Revises provisions governing the Department of Motor  
Vehicles. (BDR 43-492)

Ms. SCHOLLEY:

I will read the summary of the bill from the work session document ([Exhibit E](#)).

SENATOR PICKARD:

During the hearing, I had questions regarding the authentication portion of the documents necessary to determine who is submitting the forms. I do not remember receiving a response and thought there was an amendment or a follow-up, but we did not see any. Did you receive a response to the question?

CHAIR HARRIS:

I do not recall receiving any additional information. I will ensure we connect with the Department of Motor Vehicles (DMV) to follow up on that specific issue.

SENATOR PICKARD:

It is understandable; however, I have some reservations on my vote for the bill.

SENATOR BROOKS MOVED TO DO PASS S.B. 204.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

VICE CHAIR BROOKS:

We will open the hearing on S.B. 285.

**SENATE BILL 285**: Revises provisions relating to transportation. (BDR 43-965)

SENATOR DALLAS HARRIS (Senatorial District No. 11):

I am presenting S.B. 285 which deals with bicycle safety. It is impossible to hold a hearing regarding bicycles without remembering the tragic and needless deaths of the 5 bicyclists on U.S. Route 95 on December 10, 2020. Senate Bill 285 approaches the problem of bicycle safety from two different directions. The first part of the bill creates changes to the rules of the road. The second part is a nudge for safer and more bicycle routes.

Due to the pandemic lockdown, people are rediscovering bike riding, both nationally and internationally, for exercise and recreation as well as a commuting option. In response to the increase of bicycle traffic, cities in the U.S. and around the world have closed streets to vehicle traffic to become safer and more bike- and pedestrian-friendly. It is great news for the environment and public health.

The question is, how will we keep the momentum going? What can we do to keep people using bikes for commuting and recreation, and do it safely?

First, surveys and common sense tell us people are more likely to use bikes if they feel safe. They feel safe when a dedicated bike lane or a bike path is separate from the roadway. Pedestrians feel the same; people are more likely to walk if they know there are sidewalks or walking paths.

Second, I will give you background on a program known as Complete Streets. Complete Streets may sound familiar. The reason is because when you renew your vehicle registration, DMV asks if you want to donate \$2 to Complete Streets. It began when the Legislature enacted A.B. No. 145 of the 77th Session authorizing the Nevada Department of Transportation (NDOT) and

local governments to adopt Complete Streets policies. At least 35 other states and hundreds of communities have enacted Complete Streets policies.

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

In section 1, the bill expands the curriculum and driver training courses to include the rules of the road and laws relating to bicycles and pedestrians. Many drivers are unfamiliar with the rights of bicyclists and pedestrians; informed drivers make the roadways safer.

Section 2 of the bill clarifies it is legal for a motor vehicle to cross over the center line even in a no-passing zone in order to pass a bicycle, electric bicycle or electric scooter. It will be allowed unless it is unsafe to do so due to oncoming traffic, roadwork or other unsafe road conditions.

Section 2 of the bill states a collision between a motor vehicle and a bicycle, electric bicycle or electric scooter is prima facie evidence of a violation of the right of way provision in *Nevada Revised Statutes* (NRS) 484B.270.

Section 3 of the bill clarifies that bicycles, electric bicycles and electric scooters do not have to ride to the far right of the road if service hazards or objects are in the way or if the travel lane is too narrow to fit both a bicycle and a vehicle. The proposed changes to Nevada bicycle law are based in part on model legislation from the League of American Bicyclists and have been used in other states.

Sections 4 through 6 of S.B. 285 update the Complete Streets statutes in NRS. It will reemphasize NDOT, our cities, counties and the two Regional Transportation Commissions to continue to work together toward incorporating bicycle and pedestrian facilities into new roadways or when retrofitting existing facilities. I use the word continue because Complete Streets policies are in use in Nevada, but we need to do more.

The bill creates a subtle but important update to a broader range of users.

There is nothing in the bill requiring the complete rethinking of projects already in the pipeline. If it is not feasible or prudent to add a bicycle lane or if there is no existing right-of-way and it is too cumbersome to create one, this bill will not require it. The bill requires that these elements be kept at the forefront as projects are planned, developed and executed.

JUSTIN JONES (Commissioner, Clark County):

Senate Bill 285 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 accomplishes three important objectives, to improve 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, the bill clarifies the rules of the road when it comes to cyclists and motorists in the roadway. It specifies circumstances when a cyclist may ride in the roadway for safety reasons. Third, the bill updates the provisions relating to Complete Streets ensuring all ages of users of the roadway, including pedestrians and cyclists, are considered in the design of roadway projects.

The proposed changes are consistent with Clark County's recent efforts to clarify its rules of the road relating to cyclists and prioritize consideration of Complete Streets principles. The Regional Transportation Commission of Southern Nevada (RTCSN) serves as the Metropolitan Planning Organization (MPO) for southern Nevada. As the MPO, the RTCSN has also prioritized multimodal transportation, Complete Streets design elements, funding from multiuse paths and infrastructure, and cycling and pedestrian safety.

Senate Bill 285 aligns with the RTCSN priorities. Finally, the Southern Nevada Regional Planning Coalition oversees the Regional Open Space and Trails planning program which develops connected bike and pedestrian trails throughout southern Nevada. S.B. 285 will advance the goals of the program.

I wear many hats, but my favorite head covering is my bicycle helmet. Like so many, I love to get out and ride. Honestly, it has been a little concerning after the recent tragic deaths of five cyclists. In addition to the recent cycling

tragedy, there are too many pedestrian deaths in Nevada which are avoidable with better infrastructure, education and enforcement.

Senate Bill 285 will not solve the issues we face when it comes to safety for cyclists, pedestrians and other road users, but it is an important step forward. I ask for your support.

SENATOR PICKARD:

Having been on development teams for large projects and master planned communities, we adhere to many of these proposals. We designed our roadways with bicycles in mind for decades.

One reality is if you are constructing major thoroughfares where there is high traffic volume, the volume itself is what presents the largest risks to bicyclists. It requires additional right-of-way being purchased and developed to give them the space they need, which increases cost. We are already doing it. I do not expect this bill to do anything different.

I was comfortable with the bill until section 2, subsection 7. It is the prima facie evidence of a violation. I have seen people repeatedly stumble on their bicycle and fall into traffic, never to where they were injured. One was near a stop sign; a rider could not unclip his foot from the pedal, wobbled, went into the traffic lane and was hit by a vehicle. It was completely the bicyclist's fault.

Why create prima facie evidence of a violation by a mere fact of collision, when fault is not included, unless the rationale is if you see a bicycle you should do everything you can to avoid the bicycle including coming to a complete stop, which is not reasonable in some instances.

SENATOR HARRIS:

It is my understanding we are not the first state to put this into law. I would note that simply because it is prima facie evidence does not mean you will automatically be held liable. It is on the first impression, and there is always the opportunity to explain the circumstances you described.

SENATOR PICKARD:

You shift the burden to the innocent party. It is not a good reason for us to do the same as other states. It is a mistake. Other than that reference, I am okay with the bill, but my vote will be no if the prima facie evidence remains.



VICE CHAIR BROOKS:

Why is the prima facie evidence included, and why is it important to the bill? It did surprise me seeing it here.

SENATOR HARRIS:

I drafted it with what I think is the strongest policy safest for bicyclists in Nevada. I understand that we may require further discussions, but it is what I heard from the bicycling community.

SUSAN FISHER (PeopleForBikes):

The proposed changes in S.B. 285 are positive changes and will align Nevada with what organizations consider best practices in statutes for where to ride. We support S.B. 285.

It appears there is some confusing language. We do not oppose the language but think it might be better if it is clarified. On page 4, section 2, subsection 2, paragraph (b) adds to the 3 foot-passing law "unless it is unsafe because of traffic traveling in the opposite direction"; it is confusing as drafted. I assume the intent is to clarify that the vehicle should not pass the bicyclist if the oncoming traffic causes it unsafe for them to pass over the center line. It could be read that a vehicle does not need to comply with the 3 foot-passing law, and we know that is not what it is intended.

It makes sense to move the language down in the paragraph and place something such as,

The driver shall not pass the bicycle, electric bicycle or electric scooter if it is unsafe because of traffic traveling in the opposite direction and shall not move again to the right side of the roadway until the vehicle is safely clear of the overtaken bicycle, electric bicycle or electric scooter.

It could be an issue if someone is hurt in a passing collision situation. It is not a major issue, but I thought it was something you may want to consider clarifying.

NICOLE ROURKE (City of Henderson):

The City of Henderson has been a leader in Nevada when it comes to Complete Streets projects. These streets are designed and operated to enable safe access

for users of all ages and abilities. The designs provide benefits such as making it easier to cross the street, walk to shops and restaurants, and bicycle to work. It allows buses to run on time, and it safer for people to walk to and from transit stations.

Adopting Complete Streets policies, municipalities strive to ensure that every transportation project makes the street network safer and more efficient, making the communities better places to live. Senate Bill 285 seeks to ensure when Complete Streets projects are undertaken, there is integration of bicycle lanes and routes and expands the availability of a clean transportation option in Nevada communities. The bill also modernizes the definition of Complete Streets to better reflect the makeup of roadway users.

The City of Henderson and Mayor Debra March, Chair of RTCSN, support these valuable changes.

CHRISTI CABRERA (Nevada Conservation League):

Complete Streets was a priority for the Nevada Conservation League during the 2013 Legislative Session for providing funding. We think expanding Complete Streets will have benefits for our communities. Senate Bill 285 allows our State to move toward creating a safer environment for pedestrians, bicyclists, motorists and transit riders.

Bicycle and pedestrian infrastructure will encourage people to leave their vehicles behind, reducing traffic and pollution in our communities. Overall, we think the bill will help make our communities safe, acceptable and enjoyable for everyone and urge the Committee's support.

ERIN BREEN (Director, Vulnerable Road Users Project, University of Nevada, Las Vegas):

I am encouraged by S.B. 285 because every section has lifesaving potential. In the past 4 years, 331 pedestrians and 36 bicyclists have been killed by vehicle crashes in Nevada; 251 of the pedestrians and 30 of the bicyclists have been killed by vehicle crashes in Clark County. If you add motorcyclists, it is an additional 218 lives lost in Nevada.

I will focus on section 1 of the bill. It is an honor that I provide a class in Clark County and I will soon be adding a class in Reno for people cited for

pedestrian and bicycle violations through the Justice Court. People who are cited can have the fine, fees and points waived if they attend class.

The class is an intense three hours of education. I heard people who attended the class say they did not know they were breaking the law, or the violation was not illegal where they lived before Nevada. People traveling without the benefit of 4,000 pounds of steel, air bags and seat belts surrounding them are incredibly vulnerable to not understanding the laws that support them. Road users are what cause fatalities.

In my 25-year career in traffic safety, I am continually shocked at the level of disregard drivers show road users, especially the vulnerable users. The questions have been cut in half when taking the learner's permit driving test. Out of a bank of 500 potential questions, only 25 are asked. Often, zero questions are asked regarding laws covering people walking and biking. Requiring this education is important before people receive a driver's license.

Up to 25 percent of Nevada fatalities are vulnerable road users, pedestrians and bicyclists. Less than 5 percent of road users are pedestrians and bicyclists. Those vulnerable road users need the help offered through S.B. 285. Every class offered professionally or through schools as part of the school curriculum should require mandatory units on pedestrian and bicycle safety. Classes should teach how to avoid a crash by paying closer attention even if the driver is not at fault. Drivers will always be the ones to survive, and they will live with the reality of taking a life. I have always thought the key to addressing the pedestrian safety issue lies with the driver of a vehicle.

Sections 4 and 5 of the bill on Complete Streets address the designing and building of streets for everyone. Every community should require a Complete Streets policy. We need to encourage people to use human-powered transportation and leave their vehicles behind. They could use transit systems, bicycling or walking at least once a week. During the past year, we have seen people enjoying a walk or a bike ride with family.

With the fatalities of people walking and biking, there is little encouragement to be an active transportation user. I request you take a closer look at section 5 of S.B. 285 and add an amendment that every Complete Streets policy include a cap on speed. No street is considered safe for vulnerable users if the speed is

higher than 35 miles per hour. In fact, with the speed limit set at 35 miles per hour, 50 percent of pedestrians struck by vehicles will not survive.

While a street can have bike lanes, wider sidewalks and more places to safely cross the street, there is zero room for error when a vehicle is traveling at 40 or 45 miles per hour or higher. Humans need room for mistakes because we are not perfect. Complete Streets makes the roadways safer for every road user, not the most vulnerable. Every arterial could be a Complete Street by narrowing travel lanes to support slower travel and using the extra space for bike lanes and wider sidewalks.

KEELY BROOKS (Southern Nevada Bicycle Coalition):

The Southern Nevada Bicycle Coalition supports S.B. 285. We are a bicycle advocacy group representing thousands of cyclists in our State. We applaud the scope of the bill addressing many concerns of the cycling community. We would like to point out that it takes an approach that proactively focuses on ways to make biking and motorists safer together instead of discouraging cycling as S.B. 183 did, which we know had the best intentions.

**SENATE BILL 183**: Revises provisions relating to transportation. (BDR 43-620)

Laws in Nevada relating to bicycles on roadways can be confusing, nonspecific and lacking in mandate to educate drivers concerning the laws, as Ms. Breen discussed. The bill will address the issues around clarifying the laws and helping vulnerable road users such as cyclists.

Section 2, subsection 7 of the bill clarifies if a collision occurs between a motor vehicle and a person riding a bicycle, an electric bicycle or electric scooter is evidence in itself of a violation of the 3-foot law in NRS 484B.270. I understand the Committee member is concerned that if there is an accident where a cyclist lost their balance and fell into the roadway and was struck, the motorist will be at fault.

I would argue that it should be the burden of the motorist to show they did no wrong. I was shocked when I realized with the move over law that if there is a collision between a cyclist and a motorist, it means the motorist already broke the law. As Senator Harris explained, it does not necessarily mean that the motorist will always be at fault. It does give law enforcement the tools they need to make their job easier.

HEATHER FISHER (Save Red Rock):

I will address the third portion of the bill regarding the Complete Streets for all ages and abilities. It is critically important from our standpoint in Red Rock Canyon National Conservation Area. The area is one of the most popular cycling areas in the State but also popular for running, family outings and even walking your dog. It is why we worked with NDOT in 2008 to build a bike lane and why we are now building multiuse paths.

The pandemic has reintroduced the great outdoors to many people. I appreciate the bill addressing all types of riders. Senator Harris is correct. It does make a difference now more than ever because of the increase of outdoor recreation. There are dangerous conditions in our area. Vehicles are backing up and out between bikers and pedestrians. The usership went from 2 million to 4 million people.

We need to plan ahead, and that is what the bill addresses with Complete Streets. We have an opportunity on the back of a tragedy; do we want to give Nevada a bad reputation or a good reputation? We can utilize Nevada's greatest resource —our year-round sunshine, tourism and the great outdoors— and make Nevada attractive. Thank you for considering safety of road users of all ages and abilities with Complete Streets and NDOT's modernized road designs.

ERIC SPRATLEY (Nevada Sheriffs' and Chiefs' Association):

The Nevada Sheriffs' and Chiefs' Association supports of S.B. 285. I am not a cyclist, but throughout my prior career, I investigated many vehicle versus cyclist crashes; the majority were the fault of the vehicle driver.

I am unsure if Nevada drivers have enough education regarding the laws, considering the most recent laws around cyclists and pedestrian safety. Nevada Sheriffs' and Chiefs' Association supports cyclists throughout the entire State and support what S.B. 285 is trying to accomplish.

SENATOR HARRIS:

This bill is commonsense policy and can save lives of Nevadans who enjoy the outdoors. I am hopeful people will become more inclined to pick up their bikes and ride to work if they can or go out for fun and ride with their children and feel a bit safer doing so.

VICE CHAIR BROOKS:

We will close the hearing on S.B. 285. We will open the hearing on S.B. 348.

**SENATE BILL 348**: Creates provisions governing emergency 911 services.  
(BDR 43-707)

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

Senate Bill 348 was requested by the City of Elko. Approximately seven years ago, Executive Order 2014-01 created the Nevada Public Safety Communications Committee (NPSCC) to deal with the Statewide 911. Presently the system does not qualify for Federal Communications Commission (FCC) support or grants. There are two major issues: There is no Statewide 911 Coordinator, and we have been diverting 911 funds.

Since the bill was introduced, there were a number of agencies that contacted me, and most will be in opposition. I want them to understand it is not the bill that was drafted we wanted to bring forward. I have been working with the stakeholders and are forming a working group. We hope to be able to amend the bill and answer our questions.

This bill is written for a perfect world. If we had the money and no one worried about paying a fee of \$2 for every phone line in the State, then, yes, we could fund the Committee as it is built into the bill.

I will let Elko County officials discuss their issues and complaints, but we still need to deal with it. There are communities working with Enhanced 911. Other jurisdictions are trying to move into the Next Generation 911 where you can actually text a 911 call. In my conversations with Washoe and Clark County and a number of rural counties, the issue is how will we deal with 911 and bring it into the twenty-first century.

I did not give you much information because I do not have the answers. We are looking for a solution, and this bill is clearly not it, but it is a beginning. We are looking for an amendment within the next week.

CURTIS CALDER (City Manager, City of Elko):

I am in support of S.B. 348 — a bill which, among other things, seeks to create the Office of the Nevada Statewide 911 Coordinator in the Department of Public Safety.

Nevada is an expansive state. Elko County alone encompasses over 17,000 square miles and is one of the largest counties in the U.S. Emergency dispatch services are critical in rural Nevada and provide a critical lifeline to public safety, whether is it law enforcement, fire suppression or emergency medical services.

Public safety communications are provided by the Elko Central Dispatch Administrative Authority, and expenses are paid for by a combination of interagency radio fees and public user surcharges. Under most circumstances, the Elko Central Dispatch Administrative Authority does not qualify for federal funding due to the absence of a Statewide 911 Coordinator.

Nationwide, public safety communications are driven by a combination of people and technology. Emergency dispatching is a fast-paced and high-stress profession, making recruitment and retention of employees a challenge. Additionally, technology evolves quickly, subjecting dispatch centers to constant change, expense and infrastructure limitations. The lack of a Nevada Statewide 911 Coordinator has been studied extensively since 2014, beginning with the NPSCC, and as drafted, S.B. 348 seeks to carry out many of the recommendations made by the NPSCC subcommittee formed to study the issue regarding the 911 Coordinator. I cannot speak to the viability of the recommendations made by that subcommittee; I can speak to the local efforts to fund the original emergency dispatch system.

In 2016, the Elko County Board of Commissioners formed the Enhanced 911 Board to create a 5-year 911 master plan and assist in the creation of a 25-cent surcharge per telephone line in Elko County. The surcharge was implemented, and it offsets the expenses associated with the Next Generation 911 services in Elko County. Since the ongoing expenses are projected to outstrip anticipated revenue, Elko County is taking public comment regarding a proposed increase of 25 cents to \$1 per telephone line. If additional federal funding were available, counties throughout Nevada will be less dependent on funding their emergency dispatch operations.

On behalf of the Elko Central Dispatch Administrative Authority, I am in support of S.B. 348 and the creation of the Statewide 911 Coordinator. How it is actually paid for as described in the bill is controversial, but perhaps we can compromise with an amendment.

JACK SNYDER (Deputy Chief, City of Elko Fire Department):

The City of Elko Fire Department is in support of S.B. 348. The Wireless Communications and Public Safety Act of 1999 was deployed to provide end-to-end emergency communication infrastructure and programs based on Statewide plans. It includes the seamless rollout of wireless remote telecommunications networks and enhanced wireless 911 service.

The role of the Nevada Statewide 911 Coordinator is to assist State and local government agencies to implement Next Generation 911 systems. They will provide administrative oversight of legislative mandates and address 911 issues with regard to technology advancements. The need to require available federal funding is important in Elko County with the process City Manager Calder recommended.

In 2019, the federal funding for the 911 system was over \$104 million with a range of between \$50,000 to \$5 million being disbursed to local dispatch centers to improve and enhance their capabilities of Next Generation 911. The lack of funding for the dispatch centers can prolong nationwide deployment and increase costs in delaying Next Generation 911 benefits. The incompatibility of emerging communication trends and missed opportunities for improved emergency response may create technical issues and increase cyber security putting emergency responders at risk.

Recently, Elko County central dispatch was upgraded to Next Generation 911. An outside consultant completed a five-year plan. Numerous times it was cited in the one-to-three-year plan recommending the need for a State 911 Coordinator. We are one of a few states without a 911 coordinator. The ability to require a 911 Coordinator will grow peer-to-peer network support with other states facing the same problems.

With the upgrade to Next Generation 911, members of the public seem to think they have the capability of sending text messages, videos and photos to 911 Public Safety Answering Points applications, which is not the case. In Elko County, we still do not have the capability. That ability is crucial because the 911 centers are the initial point of the emergency dispatch system, providing our responders with critical information quickly to mitigate an incident safely.



Having the ability to receive text messaging, videos and photos will provide responders with more information than we had in the past. With the troops on the ground, it provides officer and firefighter safety beyond anything we have now. Even though the systems are in place, they are not being utilized because we do not have the funding support.

In regard to our responders, the much-needed Next Generation 911, not the 911 system itself but the added features that come with it, I support S.B. 348.

MR. SPRATLEY:

The Nevada Sheriffs' and Chiefs' Association is in support of S.B. 348. The Association has members on both sides of the issue. It would tend to take me out of it altogether or testify in neutral position. I worked with Senator Goicoechea on bills since 2013. If he thinks we will get language which works for everyone, I want to be in a support position to keep it moving forward. Rural Nevada public safety first responders and the people they serve deserve the effort.

BARRY DUNCAN (Nevada Taxpayers Association):

The Nevada Taxpayers Association is opposed to S.B. 348. It is important to note we are not opposing the policy of adding a State 911 Coordinator. We understand the importance of emergency services to the State.

The surcharge was increased from \$.25 up to \$1.00 per phone line per month in 2017. Our members' concerns pertain to any ... (Unintelligible statement) ... increase in the 911 surcharge to fund the State 911 Coordinator position. The Nevada Taxpayers Association is ready to work with the sponsor, Committee members and stakeholders on any amendment should the Committee opt to move the bill forward.

RANDY BROWN (AT&T):

AT&T is not opposed to the establishment of a Statewide 911 Coordinator, but we have concerns with the bill. The State position is proposed to be funded by a surcharge on telephone users. As previously mentioned, in 2017 the Legislature authorized counties to increase the 911 surcharge by 400 percent.

The purpose for the increase was to provide for the purchase and operation of body cameras. Since that legislation was passed, Nevada has been identified as one of five states in the Country diverting 911 funding to uses other than

911 emergency services. The FCC has repeatedly stated the states which are diverting 911 funds should not be eligible for any federal grants. It appears to be a primary reason for establishing the Statewide Coordinator.

The FCC is in the process of making a rule to determine what specifically 911 funds can be used for, and it is scheduled to issue a decision no later than June. Finally, this month the Leading Infrastructure for Tomorrow's America Act was introduced. It contains a large federal grant program for Next Generation 911. The grant language requires where applicants are located to certify annually that no portion of designated 911 charges imposed by the state or other taxing jurisdictions is being obligated or expended for other purposes than for 911 services.

Establishing the Office is not the issue, but if Nevada is not eligible for federal grants by continuing to divert 911 funds, that Office seems unnecessary.

JAMIE RODRIGUEZ (Washoe County):

Washoe County is opposed to S.B. 348. The bill sponsor met with us, a representative from Clark County and a member of the Nevada Association of Counties yesterday regarding the intent of the bill rather than how it was drafted.

I am here today for Washoe and Clark Counties and the Nevada Association of Counties. We understand the intent to create a Statewide Coordinator position in hopes of opening the State to some federal funds as previously mentioned. It is one of the barriers restricting the State from receiving federal funds. We need a larger discussion to address the barriers preventing local governments from receiving these federal dollars. The bill as drafted has several concerns based on conversations with the bill sponsor, and I want to highlight them.

One concern is the County will administer the charge on behalf of the State. Another concern is about the authority granted to the new position, the conflicts it has with local economies for the governments and how we reach decisions on our own dispatch needs.

We agreed to work with the sponsor to help find a solution to the end goal of obtaining more federal dollars to the State. It is a complex issue. We think the best way to move forward is take the time to perform a full review and work on

it during the Interim. Then we can bring something back next Session to address the concerns and meet both the need and intent of the bill.

RUSTY SHAFFER (Nevada Telecommunications Association):

The Nevada Telecommunications Association (NTA) opposes S.B. 348 for a number of reasons. First, the NTA is unaware that anything is wrong with the 911 system, its operation and implementation. The State needs to provide relevant reasons the system in use now is inadequate and how the new office is needed and will rectify any problems or avoid problems of the 911 system.

Second, the NTA is curious how the 75 cent surcharge in section 29, subsection 2 of the bill was arrived at. We would like to see the calculations or rationale behind that figure. Adopting an additional 75 cent surcharge will essentially double the surcharge used now for 911 services.

Third, some of the NTA members expressed an opinion that the State is not in the jurisdiction to levy a 911 surcharge on internet-based telephony or broadband, which is under the jurisdiction of the federal government.

Fourth, section 29, subsection 4 of the bill, the collection and remittance of the surcharge by the provider to the Department of Taxation is vague and fraught with potential problems. For example, what if customers do not pay their bills on time by the end of the month? Is the provider liable for paying the surcharge for that phone line by the fifteenth of the following month? It has the potential for being a collection and remittance nightmare as drafted and penalizing fellow communications providers for nonpaying customers.

Fifth, furthermore on the topic of collection and remittance, section 29, subsection 5 of the bill allows the provider to offset or deduct costs in collection and remittance and the accounting there of. How is it measured or enforced? If a provider's cost is equal to the 75 cent surcharge, is it not a tax by another name on the citizenry? The State in this case will have instituted a scheme by which they can levy a tax on citizens and use a third party, the telecommunications provider in this case, to accomplish its bidding.

Lastly, the NTA is offended by the bill as drafted. It is incredibly ironic that the State will essentially charge telecommunication providers and their customers for creating a bureaucratic office for which the office's primary purpose is to

levy possible additional surcharges and penalties to the constituency which funded it.

We ask to go back to the drawing board regarding S.B. 348.

SENATOR GOICOECHEA:

We need to find the answers to these questions, and we will bring back an amended version to the Committee, even if it requires a long look. It is a painful bill. It has been seven years, and we have not accomplished what is needed. We will continue to work on it next week with the stakeholders involved and hope to get a better version.

VICE CHAIR BROOKS:

We will close the hearing on S.B. 348. We will open the hearing on S.B. 362.

**SENATE BILL 362**: Revises provisions relating to public transit systems.  
(BDR 22-836)

The bill came from the Southern Nevada Forum's Transportation and Infrastructure Committee's recommendation. I, along with Senator Hammond, Assemblyman Gregory T. Hafen, Assembly District No. 36, and Assemblyman Howard Watts, Assembly District No. 15, voted to advance this legislation. It is to give the RTCSN the authority to provide microtransit as a priority for the Southern Nevada Forum. Ms. Maynard and Mr. Clyde will introduce S.B. 362.

M.J. MAYNARD (CEO, Regional Transportation Commission of Southern Nevada): Public transportation is a bipartisan effort to better serve residents in creating mobility solutions for southern Nevada. The RTCSN is seeking the authority to offer microtransit as another resource, which is the same authority given to the other counties except Clark County.

Microtransit is defined in NRS 277A.280, subsection 7, paragraph (b) "Transportation by a multipassenger vehicle that carries fewer passengers than the vehicles normally used on regular routes and is dispatched through a digital network or software application service." In other words, microtransit is a smaller vehicle with on-demand service for passengers being requested from their mobile devices in comparison to the fixed route large bus services typically provided by transit agencies.

The RTCSN will use microtransit to provide first- and last-mile public transportation solutions and additional mobility services in areas requiring transit. In Clark County, there is a greater benefit from microtransit for the south and southwest and west Henderson. These changes could benefit more than 185,000 residents who do not have access to any transit services.

Innovation is disrupting every industry, and the RTCSN needs to quickly respond to customer demand and provide the most efficient and effective transportation services for our customers.

DAVID CLYDE (Associate General Counsel, Regional Transportation Commission of Southern Nevada):

The bill makes two specific edits. One to NRS 377A and another to NRS 277A. First, we propose removing the limitations in the bill to section 2, subsection 2 and subsection 3 that apply to the RTCSN regarding providing on-call public transportation services.

The second edit in the bill is in NRS 277A.280. We recommend shifting language from section 1, subsection 3, paragraph (c) that does not allow microtransit service in Clark County to creating a new paragraph in NRS 277A.280 subsection 1, paragraph (e) which permits all counties in Nevada to provide microtransit services including Clark County.

MR. JONES:

I am in support of S.B. 362. As people from southern Nevada know, County Commission District F includes some of the fastest growing parts of the southwest Las Vegas Valley. Much of my district does not have access to public transit. Senate Bill 362 will benefit my constituents as they return to school, work and normal life post-Covid by permitting the RTCSN to provide transit services which do not exist today.

Senate Bill 362 specifically allows the RTCSN to offer microtransit services. The new service will provide another mobility option to nearly 70,000 residents who do not have transit service in my district. The expansion will connect the southwest valley to nearly 14,000 employment opportunities, grocery stores, and over a dozen schools and childcare facilities.

In my capacity as the Vice Chair of the RTCSN, I often hear from residents across southern Nevada about the need for flexible, reliable transportation solutions, and microtransit offers them an on-demand and affordable option.

DONALD SNYDER (Transportation Resource Advisory Committee):

I am here in support of S.B. 362. I have been broadly involved in our southern Nevada community since moving here more than 34 years ago. I have been involved for the last four or five years chairing the Transportation Resource Advisory Committee (TRAC) for the RTCSN.

The TRAC consists of 35 community members with broad representation of our community such as labor, gaming, environmental groups, business chambers, higher education, seniors and transit users. The group cares about mobility issues in southern Nevada. Through our work in the last four or five years, we learned about the opportunities and challenges associated with transit in southern Nevada, given the tremendous growth we had.

When legislation was passed for microtransit many years ago, southern Nevada was left out while our northern Nevada neighbors were not, and they benefited by using microtransit as an option for their residents.

Technology is changing the pace of public transportation in many ways. Allowing the RTCSN on-demand transit service will help ensure the RTCSN has the ability to meet the transportation demands of customers and better serve our community. Senate Bill 362 will allow the RTC to continue its mission of improving connectivity, accessibility and equity to our valley residents.

MS. ROURKE:

I am speaking for Mayor Debra March, who is the Chairwoman for the RTCSN, to express support for S.B. 362. We are aware the demand for transit services far outweigh the resources available. We heard from many businesses such as Levi, FedEx, Kroger and Turano Baking Company that their employees require access and connectivity to reliable transit service which does not exist today in west Henderson.

The bill will allow the RTCSN to provide essential transit service as early as August 2021 to the area of west Henderson, affecting more than 31,000 residents, 39,000 employment sites, 9 new childcare facilities, schools and 2 grocery stores. We support and are grateful for your consideration of

S.B. 362 to ensuring viable transportation options are available in the City of Henderson and throughout southern Nevada.

MATT WALKER (Motional; Southern Nevada Home Builders Association):

The Southern Nevada Home Builders Association members would like to associate their comments with those of Mr. Snyder and as active participants on the TRAC, we are appreciative of the proposal. Innovative planning and delivery of services is going to be essential to meet our dual goals of reducing greenhouse gas emissions and increasing access to affordable housing.

DYLAN KEITH (Vegas Chamber):

On behalf of the Chamber, we want to express our support for S.B. 362, which was a Southern Nevada Forum legislative priority from the Transportation and Infrastructure Committee. The Vegas Valley is in need of essential public transit services to support Nevada businesses. Senate Bill 362 will provide microtransit as another transportation resource for the community.

Microtransit will allow greater access and flexibility for getting people where they need to go, to the doors of businesses across southern Nevada.

RASHARD MASON:

I am a resident of Las Vegas and am in support of S.B. 362. As a valley resident, I have used bus Route 206, Charleston; Route 210, Lake Mead; and Sahara Express along with other routes as needed. Transit is an important service to the community, and as transit riders we can get to work, the grocery store, the doctor and other essential trips when a personal vehicle is not an option. Expanding transit services and allowing the RTCN to offer microtransit will give us more public transit options.

PETER GUZMAN (President, Latin Chamber of Commerce):

I am also a member of TRAC. I am here to express my support of S.B. 362. Microtransit is a great opportunity for Hispanic-owned businesses in our community. With the flexibility of on-demand transit, customers can easily access and patronize local businesses in areas that traditional six-route service does not provide. It will yield benefits for business owners and riders and it cannot come fast enough. As Nevada continues to grow and come out of the pandemic, we need to ensure southern Nevada can provide additional mobility options to valley residents and businesses. It should be a high priority for our State.

MS. CABRERA:

The opportunity to increase mobility options for Nevadans and explore innovative solutions such as microtransit will generate positive benefits for our community and for our environment. On-demand transit services provide RTCSN customers with additional options that are sustainable, safe and get riders where they need to go. Furthermore, microtransit reduces the number of vehicles on the roadway, which is rooted in pollution, and improves air quality. Nevada has set bold goals to reduce greenhouse gas emissions, and options including microtransit should be considered in order to meet the goals. We urge the Committee's support on S.B. 362.

PAUL CATHA (Culinary Workers Union Local 226):

The Culinary Union represents 60,000 hospitality workers in Nevada. Many essential frontline shift workers rely on public transportation to get to work reliably, safely and efficiently. Senate Bill 362 not only benefits hospitality workers but also allows the RTCSN to service communities previously with few viable options regarding transportation.

As public transportation adapts to technology and consumer preferences, on-demand transit service such as microtransit will be essential to get Nevadans where they need to be. The Culinary Union urges the Legislature to support and pass S.B. 362.



Senate Committee on Growth and Infrastructure  
March 31, 2021  
Page 25

VICE CHAIR BROOKS:

We will close the hearing on S.B. 362. Seeing no further business to come before the Committee, the meeting is adjourned at 5:30 p.m.

RESPECTFULLY SUBMITTED:

---

Debbie Shope,  
Committee Secretary

APPROVED BY:

---

Senator Dallas Harris, Chair

DATE: \_\_\_\_\_

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 18	B	1	Susan Scholley	Work Session Document
S.B. 170	C	1	Susan Scholley	Work Session Document
S.B. 259	D	1	Susan Scholley	Work Session Document
S.B. 204	E	1	Susan Scholley	Work Session Document