

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

**Eighty-second Session  
March 1, 2023**

The Senate Committee on Growth and Infrastructure was called to order by Chair Dallas Harris at 3:31 p.m. on Wednesday, March 1, 2023, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Dallas Harris, Chair  
Senator Pat Spearman, Vice Chair  
Senator Julie Pazina  
Senator Scott Hammond  
Senator Ira Hansen

**GUEST LEGISLATORS PRESENT:**

Senator Skip Daly, Senatorial District No. 13

**STAFF MEMBERS PRESENT:**

Kristin Rossiter, Policy Analyst  
Paula Peters, Committee Secretary

**OTHERS PRESENT:**

Craig Madole, Nevada Chapter, The Associated General Contractors of America, Inc.  
Brian Reeder, Nevada Contractors Association  
Bill Wellman, Las Vegas Paving Corporation  
Steve Blakely, Road and Highway Builders LLC  
Marc Markwell, Sierra Nevada Construction, Inc.  
Brandon Carlson, Granite Construction Company  
Seth Alexander, Ames Construction  
Michael Ochs, Q&D Construction

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Danny Thompson, International Union of Operating Engineers Local 3 and  
Local 12  
Cadence Matijevich, Washoe County  
Jake McNeill, Laborers' Union Local 169

CHAIR HARRIS:

We will open the hearing on Senate Bill (S.B.) 85.

**SENATE BILL 85**: Revises provisions relating to retention payments under certain highway contracts. (BDR 35-665)

SENATOR SKIP DALY (Senatorial District No. 13):

Craig Madole approached me on behalf of the Nevada Chapter of the Associated General Contractors of America (NAGC) and requested that I propose S.B. 85. The proposed amendment (Exhibit C) will remove the retention language for Nevada Department of Transportation (NDOT) work only. The retention language for the State Public Works Division of the Nevada Department of Administration is different; we are not addressing that. We are proposing that we return to the NDOT retention level prior to 2019.

In 2019, NDOT requested that we change the retention language to remove the \$50,000 and to retain the 5 percent cap. Assembly Bill No. 22 of the 80th Session proposed to change the retention language. Discussion followed, and it was agreed that the 5 percent cap was too high. We added the language to reduce it, and that is the language that we are proposing to remove with this bill.

Mr. Madole will provide us with additional information on how long it takes NDOT to close out jobs, and why we think the \$50,000 retention amount is at the appropriate level. My understanding is that NDOT agrees that this \$50,000 amount is appropriate. The bill will take us back to where we were in 2019, before NDOT's original proposal for a 5 percent cap retention, not to exceed \$50,000.

CRAIG MADOLE (Nevada Chapter, The Associated General Contractors of America, Inc.):

When Assembly Bill No. 22 of the 80th Session passed with industry support, there were unspoken agreements that the NAGC had with NDOT. One of them

was that the Department agreed that they would reduce the retention and close out projects in a timely manner.

As with most State agencies, NDOT has a 30 percent unstaffed vacancy rate. They are taking months, if not years, to close out projects. Contractors are here today that will be able to speak to that. The Department does not have the workforce, and they have a laborious process to reduce retention.

Contractors are completing projects, and NDOT has millions of contractor retention monies which it is not releasing. It is important to note that all the NDOT projects are fully bonded. The Department is at no risk financially for the reduction and retention. If the contractor does not perform, or does not construct a quality project, the Department can go after the contractor's bond and be made financially whole.

SENATOR HANSEN:

The retention issue is an interesting one. In 2015, we reduced the residential and light commercial retention amount down to 5 percent.

The retention amount could represent the profit margin on the entire job for construction companies. The contractors complete the job, and then they wait months and months to receive their retention payment. Companies might go to court to expedite receiving their retention payment. When I had my small construction company, it was 10 percent. This has been a problem for years.

I do not understand why we do not eliminate the retention policy, especially if you have a fully bonded project.

MR. MADOLE:

I would not disagree with you on eliminating the retention policy. At a minimum, the \$50,000 retention does incentivize the contractor to keep returning to the work site to finish the items on his punch list and anything else. "It does give them some skin in the game." The \$50,000 retention could be considered de minimis most of the time, but this is the way it had been in law for the last 40 years. We want to change the retention back to that.

SENATOR HANSEN:

If it was a poor retention policy for 40 years, we can correct it now.

The construction industry is one of the few industries where customers can automatically hold back substantial sums of money that is legitimately owed to the contractor. I cannot go to the store and tell the cashier that I will hold back 5 percent of the total, until I get home and verify that the purchased products are acceptable.

The construction industry is the only industry I am aware of that has this retention policy. I do not know the history of the policy, but I do know it can be exceptionally onerous. It is a huge problem for the entire construction industry.

SENATOR DALY:

Having worked in the union sector in my previous career, I am aware of one other use for the retention. Often when there was a wage or various complaint, that retention would have a lien placed against it, or the retention was referred to in the complaint filed. If you advocate removing the retention, you will have opposition from labor groups, including the Laborers' Union Local 169.

You can argue whether the \$50,000 is an adequate retention amount. This retention can be useful for highway projects, and we should retain that amount, or change it back to what it was.

SENATOR HANSEN:

That makes sense if the contractors are using the retention as a buffer to ensure that the workers on the project are being paid, not just the contractors, but the workers doing the physical labor. That changes the dimensions in this issue.

SENATOR DALY:

The Office of Labor Commissioner has often notified NDOT when it receives a complaint. The retention is then held by NDOT until the project is completed, or the dispute resolved. It happens with subcontractors and other vendors as well. Potentially, contractors that have not been paid will notify NDOT. On the labor issue, it is a factor.

SENATOR HANSEN:

Has the Office of Labor Commissioner had a chance to review this bill?

SENATOR DALY:

I do not know. I would assume so, but it has never been on the table to have the retention removed completely. I do not want the retention removed.

BRIAN REEDER (Nevada Contractors Association):

The Nevada Contractors Association supports this bill.

BILL WELLMAN (Las Vegas Paving Corporation):

The Las Vegas Paving Corporation is NDOT's largest contractor and is in support of this bill.

STEVE BLAKELY (Road and Highway Builders LLC):

Road and Highway Builders does work for NDOT, and we support the bill.

MARC MARKWELL (Sierra Nevada Construction, Inc.):

Sierra Nevada Construction, Inc. is a heavy highway contractor out of Sparks, Nevada. We do work for NDOT. We support this bill. No one has mentioned that it may take 18 months or more for NDOT to close out their projects. It then takes that long for us to get our retention. I am aware of contractors who have had to wait longer than that to get their retention.

BRANDON CARLSON (Granite Construction Company):

Along the same lines, it can take upwards of a year to be fully paid for our contract work. Granite Construction Company fully supports this bill.

MR. BLAKELY:

Mr. Markwell brought up an issue that we also have. We have jobs that started in 2019 and continued all the way through 2022, which NDOT has yet to close out. We have a retention of \$1.3 million being withheld from 2019 through 2022. If the \$50,000 retention cap were to come into effect, that would be \$450,000 withheld on all those jobs. We would have \$850,000 that we would be waiting to be paid.

SETH ALEXANDER (Ames Construction):

I am here in support of this bill. Ames Construction is working on large projects throughout Nevada. We had one project that took three years for the retention to be released. There were no issues on the project, it was due to the NDOT process.

MICHAEL OCHS (Q&D Construction):

We have done numerous projects in Reno and Sparks. We have three NDOT projects on Interstate 80 between Fernley and Elko. We have retentions on those projects, not including the Spaghetti Bowl and other projects that we have recently completed. We support this bill.

DANNY THOMPSON (International Union of Operating Engineers Local 3 and Local 12):

The International Union of Operating Engineers Local 3 and Local 12 support this bill. It is important that everyone be paid timely.

CHAIR HARRIS:

We will close the hearing on S.B. 85 and open the hearing on S.B. 107.

**SENATE BILL 107**: Establishes provisions relating to contractors performing work on a highway. (BDR 35-537)

CHAIR HARRIS:

We have a proposed amendment from Washoe County that is considered friendly by the bill sponsor.

SENATOR SKIP DALY (Senatorial District No. 13):

Several contractors and the NAGC requested that I sponsor S.B. 107, which focuses on highway safety. Numerous people, including those contractors, will be testifying today. They will share their experiences on Nevada roadways and reasons why this bill is necessary.

While crafting the bill, we reached out to the Nevada Department of Public Safety (DPS) for their input. We revised the bill to address some of the Nevada DPS concerns. However, I will not be surprised if they testify in opposition.

The Nevada DPS did not want to allow a private citizen to have possession of law enforcement marked vehicles with working lights. Chapter 8 of *Nevada Revised Statutes* (NRS) will add a new section to establish that NDOT will own and retain the vehicles. Regulations will establish a permitting process. The vehicles will not be owned by the public. The vehicles will be owned, and custody retained, by NDOT. Contractors will be allowed to have possession of them through the NDOT permitting process.

The Nevada DPS had concerns about the vehicles being stolen. The bill requires that the vehicles be rendered incapable of being driven. The vehicles will have markings and working lights, but nothing else will work, including the radios.

The Nevada DPS did not want S.B. 107 to protect property. The bill does not protect property. The vehicles will only be used in work zones when road construction work is in progress. This bill is to protect workers in work zones by having operable lights.

We considered Nevada DPS concerns about the lights being operable and other technical issues. The bill includes language that specifies that the act of operating the lights within the vehicle will not be considered impersonating a police officer.

The main opposition to the bill is the flashing lights. One of my former coworkers worked in traffic control on the highway for 20-plus years. He said that that drivers ignore the amber lights on road construction and drive past going 80 mph while talking on their cell phones. If they see red and blue lights, they slow down to 55 mph, end the call and have both hands on the steering wheel.

When I worked for the union, we had union members killed in work zone intrusions. The motoring public is also at risk in these work zones. If the general public does not slow down and observe the flagger, they are at a higher risk of being severely injured or killed in these work zones.

The bill is 100 percent about safety. Anything we can do to make it safer for the workers in these work zones will help. Contractors will testify how they request a Nevada Highway Patrol (NHP) vehicle to be on site. Too often the requests cannot be accommodated, due to the lack of NHP troopers available.

If this bill is implemented correctly, and NDOT is strategic about issuing the permits, with NHP troopers on site occasionally to write tickets, it will be effective.

The red and blue lights will slow people down. I have observed this, and there will be testifiers today with the same information. We did everything we could to address the Nevada DPS concerns. The main issue was who can use the

vehicles. We addressed this concern by having NDOT own and have custody of these vehicles.

SENATOR HAMMOND:

To clarify, are you the one who was speeding and, when you saw the vehicle, you slowed down?

SENATOR DALY:

I was not speeding. Road safety has been an issue for a long time. In 2003, I was not in the Legislature when we approached a Legislator to sponsor A.B. No. 444 of the 72nd Session which created the double penalties in work zones.

Having worked in the industry, and knowing a lot of people, including union members and people on those roadways, I slow down when I see the orange cones. I may speed in other places, but not in work zones.

MR. MADOLE:

In April of 2014, NAGC members formed a work zone safety working group with NDOT. The group discussed safety issues and job sites that affect the Statewide workforce. Several recommendations were formulated and one of them was directed to the NDOT Board of Directors. Former Governor Brian Sandoval then adopted an NDOT rule to allow, or to require in certain circumstances, that the NHP vehicles be actively placed on those job sites.

For several years, the use of those NHP vehicles has required the vehicles to be off duty and the off-duty NHP troopers in the vehicles to be paid overtime. For several years, we have seen a significant reduction in the availability of NHP troopers. Depending on which region of the State you are in, the NHP has a 50 percent to 60 percent vacancy rate in those positions. Unfortunately, even at overtime rates, we are not able to get those vehicles onto the construction sites to help mitigate the traffic at those sites.

The purpose of S.B. 107 is to address the issue that these NHP vehicles are not available. The bill will allow NDOT to create regulations to allow contractors to utilize excess retired NHP vehicles rendered inoperable, with the NHP decals and lights. I do not know if NDOT would remove the engine out of these vehicles, but they would be towed to and from the work sites. This would be while

workers are present, and they would be secured between work shifts, if necessary.

The provisions of this law would only be used when an off-duty NHP trooper is not available. It is not our intent to replace the troopers, it is to enhance the force, and use this as a force multiplier.

The NHP removes the light bars from retired NHP vehicles to reuse the light bars on new NHP vehicles. We will pledge today that, however many retired vehicles need these light bars replaced, we will purchase the replacement light bars for the NHP to make them whole. I have discussed this with the Washoe County Sheriff, and he thinks that we can get the information to make that procurement, upon passage of this bill.

I will point out what this bill is, and what it is not. The bill is a way to increase job site safety and save the lives of the men and women constructing our roadways. It will increase situational awareness of the traveling public when a work zone is active. It is a proven tool to decrease distracted drivers near job sites. The bill is not authorizing contractors to pose as law enforcement. It is not a replacement for staffed law enforcement vehicles when they are available.

SENATOR HANSEN:

I am aware of two locations that use vehicles with lights to slow traffic. Both Mountain City in Elko County and Dyer in the Fish Lake Valley of Esmeralda County have old used sheriff's vehicles. When you drive into town and you see those lights, even though that vehicle has probably not been moved in years, you hit the brakes.

The contractors are paying overtime to have an NHP trooper sitting in his vehicle on the work site. I have seen them, they sit there with the lights on and when you enter the work zone, you slow down.

What you are proposing is that you buy old used inoperable NHP vehicles. They will be towed to the job site. They will have the lights on, with someone like a rent-a-cop sitting inside the vehicle. The risk I perceive is that once those drivers realize that the person sitting inside the vehicle does not have the ability to pull any drivers over, you will have a difficult time maintaining its effectiveness in slowing cars down.

Senator Daly did mention that this would be a backup plan if the off-duty NHP troopers are unavailable. You would alternate because if the inoperable vehicles were parked there regularly, they would lose their effectiveness over time unless drivers still see the NHP troopers onsite on occasion. That is the game plan I see you are proposing.

MR. MADOLE:

Senator Hansen, you have a good understanding of what we are proposing. However, it is NDOT that pays the overtime when the NHP troopers are parked on the job site. The contractor does not directly pay it, it is charged to the NDOT Force Account on the construction site. It is then charged to the job and the Department pays the overtime.

By the time you slow down and see into the car and notice that it is not occupied by a NHP trooper, you have already slowed down. The inoperable car was effective, and you are paying attention. That is the intent here—getting the traveling public to slow down at these job sites and pay attention—so by the time they pass that car, they are in the active construction zone and traffic is moving slower.

SENATOR HANSEN:

Is it illegal to have a used vehicle there with its flashing lights on?

MR. MADOLE:

My understanding is that only active police cars may have these flashing red and blue lights on them, pursuant to State law.

SENATOR HAMMOND:

I want to make sure I understand the contents of the vehicle. The vehicle purchased is an old used NHP vehicle. Nothing is functioning in the vehicle except for the lights. There is no engine or siren. Tell me everything that is in the vehicle that will be operable.

MR. MADOLE:

Our intent is that the light bar will work. The lights will slow the traffic down. The vehicle will not be able to be driven and will have to be towed to and from the jobsite. One correction, NDOT will technically own the vehicles and will permit the contractors to use them on the job site.

SENATOR HAMMOND:

I want to confirm my understanding. You will seek to employ an NHP trooper and pay overtime if one is available. If one is not available, then the alternative is to use the nonoperative vehicle. That is the preferred operation.

MR. MADOLE:

Yes, that is the intent of the bill.

SENATOR SPEARMAN:

If the bill does not pass, and you are unable to do this, is there an alternative?

SENATOR DALY:

If we are unable to do this, we will continue to use an off-duty trooper on the work site when one is available. Our experience lately is that they are not available, and we would not have this option to get drivers to slow down in the work zones.

The Spaghetti Bowl project was completed. There were several wrecks you did not hear about. In the event of a fatality, it impacts the victim, but also the motoring public and workers in that work zone, whether or not they were hit by the vehicle.

There is no available option unless we have a bucket of money to spend on it and hire more NHP troopers at higher wages. We will address that issue separately.

SENATOR SPEARMAN:

This bill is designed to save lives. Can the person sitting in the car with the lights on top use a voice command to turn the lights on?

MR. MADOLE:

The NDOT vehicle will be towed to the job site. One of the employees at the job site will flip the switch to turn on the lights. I am sure I am oversimplifying the process. We have two safety managers for large highway construction companies here with us today. They can speak to what effect the lights will have.

CHAIR HARRIS:

The Nevada Department of Transportation is almost acting as a third party here as an intermediary between the contractor and procuring the NHP vehicle. Is that right?

SENATOR DALY:

Yes, when we spoke with the Nevada DPS, they did not want the private sector to have total control of these vehicles. We developed the process in response to their request. It was this process which got us a two-thirds vote on this bill.

When the NHP vehicles are ready to be taken out of active service, NDOT will remove and replace the light bars. At that point NDOT, who originally purchased the NHP vehicles and owns them, will have custody. The permit to the contractors will be issued by NDOT; NDOT will have total control of the permitting process.

CHAIR HARRIS:

Was NDOT unwilling to do the towing of the vehicle to the location for you?

SENATOR DALY:

I do not know if NDOT is willing or how they will do that. The towing would be part of the NDOT permitting process. I do not believe NDOT would be there daily, to tow it on and off the road. The contractor would do the towing. This process would be covered under the permit process and NDOT would adopt rules or regulations on how they would administer that.

CHAIR HARRIS:

Can an arrangement be made where the contractors can have NDOT drop the vehicle off at the construction site, and then come back to pick it up for a fee? If NDOT could provide that service, NDOT could avoid the entire licensing process. A program could be set up by NDOT where contractors can rent the vehicle, NDOT delivers the vehicle to the location and NDOT picks it up at the end of the rental period.

SENATOR DALY:

I suppose NDOT could have an arrangement with the contractors. I would not be opposed if NDOT wanted to manage it that way. I do not know if it would be feasible in all locations. There are many rural roads in Nevada, and the NDOT inspectors do not all have the same type of vehicle. It is not often that the

inspectors would be at the job site with a trailer to tow a vehicle back and forth to the yard. The inspectors would have to be, at least on some projects, working in cooperation with the contractors.

CHAIR HARRIS:

Do you know what the expected fee might be for using these vehicles? A permit would be issued for how long? Are you envisioning that this is a 30-day permit, or a day-by-day permit? How do you see that working?

SENATOR DALY:

I think the bill says that the NDOT fee will be set based on their actual cost. They do not know the actual cost. They will have to set up the program.

Often NDOT has a number of working days that they establish for a project. They could limit the permit to that number of working days. When NDOT issues the permit, they might ask, "How many days you think you will need the vehicle?"

Contractors might not need the vehicle for all 280 working days on the job. When they have a paving crew out there with numerous trucks in and out, those would be the more effective days to have the vehicle on the road. And that would be on a case-by-case basis, coordinated with NDOT. Then there are the weather-related days when they are not there. Those are details that NDOT would have to work out. I cannot answer for every job in a setting like today.

CHAIR HARRIS:

Let us say one of these vehicles is parked on the side of the street and a vehicle hits it. Does the contractor, or NDOT, provide insurance for the vehicle? How do you envision insurance and liability being handled?

SENATOR DALY:

Insurance would be determined by NDOT. Technically, the vehicle is not registered. I do not think the vehicle would be required to have insurance, although you would want to have insurance. The contractors have insurance for accidents and various things that happen in the work zone, so it may already be covered. The contractors may have to add the State as an additional insured on their existing insurance policy. The contractors can help answer that question, but that is how I would imagine it would work.

CHAIR HARRIS:

Would the bill require a qualified licensed tow truck operator to move the vehicle back and forth? Or are you envisioning that any contractor with a tow truck could pick it up and move it? How would that work?

SENATOR DALY:

My unconfirmed understanding is that most contractors will use a trailer, and not a tow truck. That is not written in the bill, although it could be put into the permit. The moving back and forth between the location and the job site will be done with a trailer. The contractor would generally do that. They could hire someone to do it, but they probably would not.

CHAIR HARRIS:

Washoe County will give us a brief overview of why they are proposing their amendment.

CADENCE MATIJEVICH (Washoe County):

It is somewhat tangential to the genesis of the bill, but it does relate to safety on the roadways. The proposed amendment ([Exhibit D](#)) will amend NRS 484A.480, subsection 2, by adding paragraph (i). This would add a new section to the list of vehicles that are considered to be emergency vehicles. That would be a vehicle operated by a coroner or medical examiner.

We are asking this to be added because we are working on a measure with NDOT in the Assembly. It would allow for emergency vehicles to operate on the paved shoulder of a highway when responding to traffic crashes. In the unfortunate instance where that crash is a fatality, getting the coroner and medical examiner to the site of the crash as quickly as possible is in the interest of safety on our roadways.

In those unfortunate instances, the incident cannot be resolved until the medical examiner or coroner arrives, which results in significant delays on our roadways. We have been advised by NDOT that unless coroners' vehicles are included in this list of emergency vehicles authorized to operate red lights and have the permit, they would not be included in those provisions. We appreciate the opportunity to get this into statute.

MR. OCHS:

I am the Corporate Safety Director for Q&D Construction. I have a unique perspective with my 31 years of experience in the fire service. I am still active in the local reserve, and I know many people in law enforcement. When we saw S.B. 107 coming through, we supported it wholeheartedly.

We had a fatality on September 26, 2022, when a DUI driver come into our work zone and struck one of our traffic flaggers. It was a rough one for me. I have been around numerous accidents, and have seen many things go wrong, but it was different because it was one of my employees.

From my association with law enforcement, I am aware that they struggle with understaffing. I have spoken to the lieutenants, and they cannot get enough NHP troopers to cover the roadways here in town.

The other issue is their schedule. The NHP troopers typically works a Sunday to Wednesday shift; the other shift is Wednesday to Saturday. Wednesday is an overlap day when everybody is on shift, and no one is available. One of the requirements is a mandatory reset. The troopers are not allowed to work a day, and then do an overtime shift that night.

We are experiencing a 40 percent fill rate when we request NHP troopers on our contracts. It is a struggle for us to get NHP troopers on these roadways.

A Texas traffic study found that a stationary patrol car reduced the average speed on roadways anywhere from 6 percent to 22 percent. A South Dakota study found average speeds dropped from 30 miles per hour to 25 miles per hour.

We are looking for visual acuity. As mentioned before, when you see the car with the lights on, the drivers slow down. We want to slow the drivers down. We do not want to impersonate, we just want to supplement, because we struggle to get their help. For years, we have not had any other options. We have been at zero if an NHP trooper is not available.

MR. CARLSON:

I am the Regional Safety Manager with Granite Construction. To segue from what Mr. Oaks had to say, nothing slows the public down, like seeing the blue and red lights. We all know that.

We can add signs on the job site. We can customize them; we are your family, your friends and your neighbor. We can personalize ourselves; we are the citizens, we are the coworkers and we are part of the community.

We are talking about supplementing, being able to backfill by having NHP troopers on our job sites. It is a reasonable request to have those troopers or a nonoperable vehicle out there. We are talking about the safety of our employees and the public.

The traveling public is the greatest risk to our employees in the field. People driving 65 mph on our roads and intermixing with our equipment can create a dangerous situation.

It is in the best interests of the public for contractors to supplement this process with vehicles the State already owns. It is fair to ask when it can make our employees and the public safer. There is no other way to do it; the blue and red lights slow the drivers down.

MR. REEDER:

The Nevada Contractors Association urges your support.

JAKE MCNEILL (Laborers' Union Local 169):

I am here as a member and to represent the Laborers' Union Local 169. I am the coworker that Senator Daly mentioned earlier. I worked in the field for 20 years, asphalt paving all the highways in town. The red and blue lights slow drivers down. Drivers drop their cellphones, put both hands on their steering wheel, turn the radio down and pay attention. This bill is about safety and saving lives. We support this bill.

MR. THOMPSON:

Contractors have the difficulty of dealing with large complex equipment on job sites. Then they have to worry about being hit by a vehicle speeding at 65 mph. Anything we can do to prevent vehicles speeding in work zones, we support.

MR. ALEXANDER:

I will add a couple of facts and figures about the Reno Spaghetti Bowl Project which has been mentioned. That was a large project in Nevada. We had over 150 vehicle accidents that could have potentially led to the injury of an employee on that site.

These are not fender benders. These are serious accidents that could have harmed a worker. Police and emergency medical services were on site. The NHP troopers worked very closely on that project with us. We experienced a slightly favorable 50 percent fill rate on requests for off-duty NHP troopers. The other 50 percent of the time, our employees worked on the road at night without protection from the red and blue lights, which would have slowed the drivers down.

This is a great bill and will offer better protection to highway workers at night.

MR. WELLMAN:

As Mr. Alexander said, "This is a great bill." We have looked for a bill like this for many years. I did not bring any stats with me, but most of the people in this room have seen incidents in our construction work zones throughout the State.

This is not just about work zone safety for our employees, but work zone safety is critical. We have had many fatalities with the public due to road closures, detours, and those types of situations. Many innocent people have been injured because of an errant driver, whether impaired or not.

Using vehicles to deter speeding is not new. Boulder City, Colorado, has been doing this for 40 years. They place a vehicle in the median that you see as you approach Boulder City to deter speeding.

When we built the I-15 South Project near Mandalay Bay, part of that work area included pads for the NHP to set these same types of vehicles in place. They were there throughout the day for traffic calming after construction. The NHP troopers had a great working relationship with NDOT and the Regional Transportation Commission of Southern Nevada on that project.

Law enforcement is using flashing lights in parking lots. Flashing lights deter everyone. And, yes, Senator Hammond, I was probably one of those people driving a little too fast and I did slow down when I saw the flashing lights. Las Vegas Paving Company supports this bill.

MR. MARKWELL:

Sierra Nevada Construction, Inc. also encourages you to support this bill. We work for NDOT, especially in the rural areas. We request NHP troopers, but we are rarely able to get an NHP vehicle on our work sites.

I was talking to our safety department and listed statistics of recent incidents we had in our construction zone. We lost three arrow boards that were hit by either a drunk driver or a distracted driver. Two of those accidents were in a school zone. We had an incident where a driver sped through a road closure and hit one of our colleagues and his vehicle. Fortunately, our colleague was not severely injured. We had an intersection where we had a fatal DUI accident. We had a student walking across the street who was bumped by a distracted driver.

All of these accidents were not on NDOT Rights-of-Way, but it highlights the serious issue we have with distracted drivers. We support this bill.

With regard to insurance, we indemnify everything through our insurance company. We would consider the NDOT inoperable vehicle to be like a rental piece of equipment for insurance purposes. The contractors would indemnify NDOT through our contract.

MR. BLAKELY:

About 90 percent of our work for NDOT is in rural areas. We are also having problems getting law enforcement on our job sites. We support the bill.

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CHAIR HARRIS:

Having no further business to come before the Senate Growth and Infrastructure Committee, we are adjourned at 4:22 p.m.

RESPECTFULLY SUBMITTED:

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Paula Peters,  
Committee Secretary

APPROVED BY:

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Senator Dallas Harris, Chair

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

| EXHIBIT SUMMARY |                |                                      |                                    |                    |
|-----------------|----------------|--------------------------------------|------------------------------------|--------------------|
| Bill            | Exhibit Letter | Introduced on Minute Report Page No. | Witness / Entity                   | Description        |
|                 | A              | 1                                    |                                    | Agenda             |
|                 | B              | 1                                    |                                    | Attendance Roster  |
| S.B. 85         | C              | 2                                    | Senator Skip Daly                  | Proposed Amendment |
| S.B. 107        | D              | 6                                    | Cadence Matijevich / Washoe County | Proposed Amendment |