NEVADA LEGISLATURE
LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY TRANSPORTATION ISSUES

(*Nevada Revised Statutes* 218.682)

SUMMARY MINUTES AND ACTION REPORT

The sixth meeting and work session of the Nevada Legislature's Subcommittee to Study Transportation Issues was held on Thursday, August 21, 2008, at 1:30 p.m. in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" (Exhibit A) and other substantive exhibits, is available on the Nevada Legislature's website at www.leg.state.nv.us/74th/Interim. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Dennis Nolan, Chair
Senator Randolph Townsend
Assemblyman Pete Goicoechea

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Dina Titus
Assemblyman Kelvin D. Atkinson
Assemblyman John Oceguera

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Marjorie Paslov Thomas, Senior Research Analyst, Research Division
Scott Young, Principal Policy and Special Projects Analyst, Research Division
Kelly S. Gregory, Senior Research Analyst, Research Division
M. Scott McKenna, Senior Principal Deputy Legislative Counsel, Legal Division
Russell J. Guindon, Senior Deputy Fiscal Analyst, Fiscal Analysis Division
Jeannie Claussen, Senior Research Secretary, Research Division

OPENING REMARKS

- Senator Dennis Nolan, Chair of the Legislative Commission's Subcommittee to Study Transportation Issues, welcomed members and the public to the sixth meeting and work session of the 2007-2008 Interim.

APPROVAL OF MINUTES OF THE JULY 2, 2008, MEETING IN LAS VEGAS, NEVADA

- The Subcommittee **APPROVED THE FOLLOWING ACTION**:

  SENATOR TOWSEND MOVED FOR APPROVAL OF THE MINUTES OF THE JULY 2, 2008, MEETING OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY TRANSPORTATION ISSUES, HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICECHEA AND PASSED UNANIMOUSLY.

PRESENTATION BY THE CITY OF SPARKS ON THE STATUS OF TRANSPORTATION ISSUES AND ITS SUPPORT FOR FUNDING TRANSPORTATION PROJECTS

- Shaun Carey, City Manager, City of Sparks, referenced a Microsoft PowerPoint presentation (Exhibit B) and provided an update on the status of Sparks community development. His discussion included the population growth of Sparks, revenue needs, and transportation infrastructure needs for Fiscal Year (FY) 2007-2008. He acknowledged that the City of Sparks supports the following recommendations: (1) Governor Kenny C. Guinn's Blue Ribbon Task Force; (2) the Regional Transportation Commission (RTC) of Washoe County; (3) the Public-Private Partnership Demonstration Projects; (4) Nevada's Department of Transportation (NDOT) Pioneer Program; and (5) the RTC of Washoe County Devolution Reauthorization Proposal for Nevada.

PUBLIC COMMENT

- Ron Cuzze, President, Nevada State Law Enforcement Officers' Association, Las Vegas, voiced opposition to Recommendation No. 8 for the dissolution of the Nevada Transportation Authority (NTA) of the Department of Business and Industry (DBI) and the Taxicab Authority (TA) of DBI. He opined that the NTA and the TA should be moved to the Nevada Highway Patrol Commercial Enforcement Section of Nevada's Department of Public Safety (DPS) to eliminate the duplicative law enforcement function that is being conducted by other State agencies. He concluded that a new direction is needed but not dissolution of the NTA and the TA.

- Carole Vilardo, President, Nevada Taxpayers Association, Carson City, voiced opposition to Recommendation No. 4, which would take a percentage of the revenue

from the Las Vegas Convention and Visitors Authority and distribute it to three other entities. She expressed concern about taking revenue that is generated in Clark County and using it statewide for other items. She stated the proposal is currently under the Supreme Court of Nevada's review, which is considering statutory initiatives.

- John R. Johansen, Highway Safety Representative, Office of Traffic Safety, DPS, Carson City, addressed Recommendation No. 10. He questioned whether repealing the requirement to wear protective headgear would generate revenue from increased motorcycle registrations to the State. He referred to a handout that provided statistics on helmet use, fatalities, and hospital discharge data from the State of Florida (Exhibit C) and referenced a report titled *Evaluation of the Repeal of the All-Rider Motorcycle Helmet Law in Florida* (Exhibit D)

- Mike Davis, President of Southern Nevada American Bikers Aimed Toward Education (ABATE) of Las Vegas, voiced support for Recommendation No. 10. He stated people are choosing the motorcycle as an alternative method of transportation due to the increased fuel costs. He added that this mode of travel will result in: (1) less impact on the highways; (2) less highway maintenance; and (3) less traffic congestion. He concluded that Nevada could subsidize highway funding by repealing the helmet law.

- James Kemsey, a resident of Las Vegas, Nevada, and Florida, noted his support for Recommendation No. 10. He was of the opinion the proposal would increase revenue due to more tourism and noted that the gaming industry is reaching out to motorcycle clubs by offering incentives to travel to the State. In conclusion, Mr. Kemsey opined that if the helmet law is repealed, the minimum age for not wearing a helmet should be changed to 18 years of age.

- Chairman Nolan commented that the Subcommittee has focused on funding transportation infrastructure in Nevada by considering various revenue streams to help offset the projected shortfall. He said that many states are facing similar funding crises coupled by the decrease in federal highway funding. He added that the Subcommittee has a responsibility to present the recommendations (in part or in whole) to the 2009 Legislature.

WORK SESSION—DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:

- Potential Funding Mechanisms for State and County Highway and Road Projects
- Traffic Safety Issues
- Dissolution of the NTA of DBI and TA of DBI
- Motorcycle Helmets

"WORK SESSION DOCUMENT"

The following list of recommendations was compiled by the chair and staff of the Legislative Commission's Subcommittee to Study Transportation Issues (*Nevada Revised Statutes* [NRS] 218.682). This document contains recommendations that were submitted in writing to the Subcommittee staff, provided through correspondence with Subcommittee members, or presented during one of the Subcommittee's five hearings on October 25, 2007; November 13, 2007; January 23, 2008; February 19, 2008; and July 2, 2008.

This document is designed to assist the Subcommittee members in determining what action they may wish to take on certain issues, which may include making statements in the Subcommittee's final report, writing letters of recommendation or support, or forwarding recommendations for legislation to the 2009 Session of the Nevada Legislature. The Subcommittee may vote to make as many statements or send as many letters as they choose; however, pursuant to NRS 218.682, the Subcommittee is limited to five bill draft requests, including requests for the drafting of resolutions. The bill draft requests must be submitted to the Legal Division of the Legislative Counsel Bureau before September 1, 2008.

The recommendations listed in this document are conceptual recommendations. They are in no particular order of importance and do not necessarily have the support or opposition of the Subcommittee Chair or members. The members may accept, reject, modify, or take no action on any of the proposals. The source of each recommendation is noted in parentheses, when available. Please note that specific sources may not be provided if the proposals were raised and discussed by numerous individuals during the course of the study, or only one main source may be listed when there were also others who contributed.

The recommendations may have been modified by being combined with similar proposals, or by addition of necessary legal or fiscal information. It should also be noted that some of the recommendations may contain an unknown fiscal impact. If a recommendation is adopted for a bill draft request, then the staff will work with interested parties to obtain fiscal estimates for inclusion in the final report. During the drafting process, specific details of approved requests for legislation or other Subcommittee action may be further clarified by staff in consultation with the Chair or others, as appropriate. Also, if a recommendation includes reference to specific chapters or statutes of the NRS, as part of the drafting process, amendments to other related chapters or sections of the NRS may be made to fully implement the recommendation. The "Work Session Document" can be viewed as Exhibit E.

RECOMMENDATIONS FOR DRAFTING LEGISLATION

RECOMMENDATION NO. 1—Draft legislation to require the Director of Nevada's Department of Public Safety (DPS) to maintain a telephone hotline for persons in this State to report to the Department information of residents of Nevada who fail to register their motor vehicles in Nevada. The Director of DPS would establish procedures for investigating violations relating to the registration of a vehicle. If a person is cited for failing to register a vehicle within 10 days after the last day allowed for timely registration of a vehicle, a person will be cited for each vehicle that is not registered by a fine: (1) of $50 for the first 30 days the person is late in registering the vehicle; and (2) of $25 for each additional 30 days the person is late in registering the vehicle or performing not less than 8 hours or more than 340 hours of community service. *(Proposed by Chairman Dennis Nolan. See* ***Tab A of Exhibit E*** *for additional information on this issue.)*

Discussion on Recommendation No. 1 included an examination of reasons for an estimated loss of $5.3 million in uncollected vehicle registration fees and governmental services tax (GST) per year and determining the use of a telephone hotline versus a website program.

Responding to the discussion, Christopher P. Perry, Chief, Nevada Highway Patrol, DPS, Carson City, explained that the county of jurisdiction issuing the citation collects the fees for people cited with out-of-state registrations. He said that Nevada's justice courts determine fee schedules, which range from $25 to $500 based on the location and other circumstances under which the stop was made. He said the revenues from those fees are distributed to the county because there is no procedure established to direct those revenues to the State Highway Fund. He also explained the policies and procedures of the DPS for issuing a citation.

- Clay Thomas, Deputy Director, Department of Motor Vehicles (DMV), Carson City, further explained the estimated $5.3 million loss of registration. He stated the GST is determined by counting the existing number of registered vehicles minus the vehicles that are not currently registered. He noted that the basic GST averages about $171 per vehicle.

A discussion ensued with regard to the DPS website and how information is utilized by the DPS officers. Additionally, members discussed how to effectively address enforcing nonregistered vehicle calls and notifications. Colonel Perry explained that if a resident is reported to be in violation of not registering his vehicle per the statute, an officer will generally issue a warning the first time. The officer will conduct a follow-up visit to determine if the car has been registered in Nevada.

- The Subcommittee **TOOK THE FOLLOWING ACTION:**

  ASSEMBLYMAN GOICOECHEA MOVED TO AMEND RECOMMENDATION NO. 1 TO REQUIRE THE DIRECTOR OF THE DPS TO MAINTAIN A WEBSITE FOR PERSONS IN THE STATE TO REPORT TO THE DMV INFORMATION ON RESIDENTS OF NEVADA WHO FAIL TO REGISTER THEIR MOTOR VEHICLES. THE MOTION WAS SECONDED BY SENATOR TOWNSEND.

Discussion on the motion to amend the recommendation included a review of: (1) current vehicle registration fee structure; and (2) tracking new drivers and their vehicles; and (3) information available on the DMV website. There also was a suggestion to address DPS staffing burdens by utilizing university interns to track the DPS website.

UPON THE CALL OF A MOTION AND A SECOND, THE MOTION FAILED WITH SENATOR TITUS AND ASSEMBLYMEN ATKINSON AND OCEGUERA VOTING NAY.

RECOMMENDATION NO. 2—Draft legislation to authorize NDOT to establish, construct, and operate toll projects, which include toll roads and toll bridges, and to assess tolls for the use of the toll roads and toll bridges. However, a toll road may not be created, improved, maintained, or operated unless an alternate route is normally available for the use of motorists. A toll may be collected by any method that identifies the correct toll and collects the payment, including manual toll collection, electronic toll collection, or use of a photo-monitoring system. Additionally, NDOT is authorized to enter into agreements with other public or private entities to design, develop, finance, construct, maintain, repair, or operate a toll project. *(Proposed by Chairman Nolan; Jorge Cervantes, P.E., P.T.O.E., Director of Public Works, City of Las Vegas; Andy Fegley, Government Affairs Director, Las Vegas Chamber of Commerce; and discussed at the October 25, 2007, February 19, 2008, and July 2, 2008, meetings. See* ***Tab B of Exhibit E*** *for additional information on this issue.)*

- The Subcommittee **TOOK THE FOLLOWING ACTION:**

  SENATOR TOWNSEND MOVED TO ADOPT RECOMMENDATION NO. 2 AS A BILL DRAFT REQUEST TO THE 2009 LEGISLATURE. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA.

- Chairman Nolan asked Subcommittee members to discuss Recommendation Nos. 2 and 11 together to address the possibility of authorizing toll projects and supporting enforcement of such projects with a photo-monitoring system.

(As directed by Chairman Nolan, Recommendation No. 11 was taken out of order.)

RECOMMENDATION NO. 11—Write a letter to the Senate Committee on Transportation and Homeland Security and the Assembly Committee on Transportation during the 2009 Legislative Session supporting NDOT's Pioneer Program's Demonstration Project: The U.S. 95/Interstate 15 Managed Lane Project. The letter should urge the Legislature to pass legislation that allows NDOT to complete its Demonstration Project. The Project includes: (1) conversion of High Occupancy Vehicle Lanes and Express Lanes to Managed Lanes; (2) congestion pricing for vehicles with less than three passengers; (3) free ridership for public transit, emergency vehicles, and preregistered vehicles with more than three occupants; (4) video enforcement; (5) limited truck access (three-axle or bigger prohibited); and (6) improvements and new construction for access, interchanges and Managed Lane facility within the corridor.
(Proposed by Chairman Nolan and Andy Fegley, and discussed at the July 2, 2008, meeting. An overview of NDOT's Pioneer Program Demonstration Project can be viewed on the Internet (http://www.pioneerprogram.com/demo.html. See ***Tab H of Exhibit E*** *for additional information on this issue.)*

- Susan G. Martinovich, Director, NDOT, commented on Recommendation No. 11. She stated the statute currently does not allow tolling in Nevada; however, allowing investments from Public-Private Partnerships (PPPs) could be a successful method of generating revenue to assist the transportation needs of the State. She mentioned the tolling component would provide the PPPs a revenue source for support of their investment. She also stated the Pioneer Program's Demonstration Project would provide additional lanes for capacity and additional access to the resort corridor.

- Chairman Nolan further explained that Recommendation No. 2 is consideration for a bill draft request (BDR) to allow NDOT to institute the Pioneer Program's Demonstration Project to introduce toll roads, an electronic toll collection, and/or use of a photo-monitoring system. He stated that Recommendation No. 11, at the request of NDOT, would send a letter to the Senate Committee on Transportation and Homeland Security and the Assembly Committee on Transportation for approval of the BDR suggested in Recommendation No. 2.

Discussion revealed that the language in Recommendation No. 2 was accepted by the PPP Advisory Panel and forwarded to the Board of Directors of NDOT to submit as a BDR to the Senate Committee on Transportation and Homeland Security and the Assembly Committee on Transportation. Assemblyman Atkinson clarified that he did not vote in favor of the Panel's decision.

- Senator Townsend and Assemblyman Goicoechea withdrew the motion to adopt Recommendation No. 2 as a BDR to the 2009 Legislative Session.

- Chairman Nolan called for a motion on Recommendation No. 11.

- The Subcommittee **TOOK THE FOLLOWING ACTION:**

  SENATOR TOWNSEND MOVED TO ADOPT RECOMMENDATION NO. 11 IN THE FORM OF A LETTER TO THE SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY AND THE ASSEMBLY COMMITTEE ON TRANSPORTATION IN SUPPORT OF NDOT'S PIONEER PROGRAM'S DEMONSTRATION PROJECT. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOIOECHEA AND FAILED WITH SENATOR TITUS AND ASSEMBLYMEN ATKINSON AND OCEGUERA VOTING NAY.

RECOMMENDATION NO. 3—Draft legislation to allow the State to index gasoline taxes that are imposed under Chapter 365 of NRS to a five-year average of the change of the Consumer Price Index and limit the increase to no more than 4.5 percent a year. *(Proposed by Jorge Cervantes, City of Las Vegas. See* ***Tab C of Exhibit E*** *for additional information on this issue.)*

- The Subcommittee **TOOK THE FOLLOWING ACTION:**

  SENATOR TOWNSEND MOVED TO ADOPT RECOMMENDATION NO. 3. THE MOTION WAS SECONDED BY ASSEMBLY GOICOECHEA.

Discussion on the motion recognized Jorge Cervantes, P.E., P.T.O.E., Director, Department of Public Works, City of Las Vegas, who said the gas tax has not been adjusted since 1992 and since that time there has been a 55 percent increase of the U.S. Consumer Price Index (CPI). He stated due to the rise of the CPI, the buying power to produce infrastructure based on this funding source has decreased over the years. Mr. Cervantes voiced support to index the gas tax so potential funding sources can be preserved.

- At the request of the Chair, Russell J. Guindon, Senior Deputy Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, commented that it would not be possible to determine the impact of indexing the State gas tax to inflation as the price of gasoline is determined in the market and the federal, State, and local taxes are just one component of the total price of gasoline. However, he stated he could provide an estimate of how much the State gas tax may increase if it were indexed to inflation. Mr. Guindon was of the opinion that inflation over the last five years probably averaged close to 3 percent. Given the current State gasoline tax is 18.455 cents per gallon, a 3 percent increase would increase the gasoline tax to about 19.005 cents per gallon. He stated that it was difficult to estimate the revenue yield from the tax increase since there is no current projection of the number of gallons of gasoline being purchased. Details of Mr. Guindon's document titled "Table 2—Current Taxes and Fees Imposed or Authorized as State and Local Revenue Sources" is available as Exhibit F.

- Senator Nolan commented that many states are seeing a decline in revenue due to the increase of gas prices, which is causing people to drive less. Additionally, the loss in revenue makes it difficult for states to maintain the highways. The Chair remarked that he would like to have the motion withdrawn and have staff analyze the economic impact of the revenue decline to the State before a BDR is submitted.

- Senator Townsend and Assemblyman Goicoechea withdrew the motion to adopt Recommendation No. 3.

RECOMMENDATION NO. 4—Draft legislation to require that any revenue generated from a county or city license fee and license tax that is collected in Clark County for or by the Las Vegas Convention and Visitors Authority (LVCVA) that exceeds that total amount of revenue collected for or by the LVCVA in Clark County for Fiscal Year (FY) 2006-2007, but adjusted annually for changes in inflation and deflation, must be distributed in the following manner: (1) one-third to the Distributive School Account in the State General Fund; (2) one-third to the State Highway Fund to be used exclusively for transportation purposes; and (3) one-third to the Nevada Public Safety Fund. A Nevada Public Safety Fund would be created as a special revenue fund in the State Treasury. The Legislature would appropriate the Fund only for the purpose of enhancing the public safety of the State of Nevada and its residents, including expenditures for law enforcement, homeland security, fire protection, or corrections, and grants to local police departments, fire departments, or sheriffs' offices for similar purposes. *(Discussed at the July 2, 2008, meeting.)*

- Chairman Nolan withdrew Recommendation No. 4 because the proposal is currently under the Supreme Court of Nevada's review and a decision is pending.

RECOMMENDATION NO. 5—Draft legislation to redirect existing State General Fund revenues to be used exclusively for design, right-of-way acquisition, construction, reconstruction, improvement, and the maintenance of highways. The legislation should include the following recommendations made by former Governor Kenny C. Guinn's Blue Ribbon Task Force to Evaluate Nevada Department of Transportation Long-Range Projects 2008-2015:

A. Adjust the depreciation schedules used to establish the governmental services taxes;

B. Redirect the entire 2 percent State sales tax on vehicles and vehicle repairs to the State Highway Fund;

C. Appropriate any future State General Fund surpluses above the legislative expenditure cap for "one-shot" expenditures for State highways;

D. Index State gasoline and diesel taxes to inflation in a manner consistent with current NRS authorizing county motor fuel indexing with a maximum increase of 4.5 percent annually;

E. Increase by $20 the fee for all drivers' licenses and direct the money to the State Highway Fund;

F. Allow NDOT authority to implement user fees, including toll roads, high-occupancy toll lanes, and congestion pricing, and the authority to enter into public-private partnerships for the financing, design, construction, maintenance, and operation of transportation facilities; and

G. Expand the use of tax-increment financing to allow local entities to contribute to improvements to the State highway system.

(Proposed by Geno R. Martini, Mayor, City of Sparks. See ***Tab D of Exhibit E*** *for additional information on this issue.)*

Subcommittee members discussed the current GST depreciation schedules and the hypothesis that a one-year freeze on the depreciation schedule could generate $50 million annually to the State, which may increase the potential bonding capacity of the State by four times as much. Assemblyman Atkinson commented that during the 2007 Session the discussion was to slow down the depreciation rate as opposed to freezing it. He said he did not recall the figures on freezing the rate but stated he would explore it further.

Responding to questions during the discussion, Mr. Guindon, previously identified, stated that he is working with NDOT and the DMV to obtain the most recent data on the GST. He said the revenue would be overstated if they used the 2007 Session data because it was a base year.

- Chairman Nolan referred to page 20 of Tab D of Exhibit E, of the report titled *State of Nevada, Blue Ribbon Task Force to Evaluate Nevada Department of Transportation Long-Range Projects 2008 - 2015, Roads to the Future,* and referenced the GST, which was previously called the vehicle privilege tax. He also discussed the 10 to 20 percent increase of depreciated value in the year 2009, which could provide a four-time potential bonding capacity.

There was discussion on redirecting the entire 2 percent State sales tax on vehicles and vehicle repairs from the State General Fund to the State Highway Fund.

- Mr. Guindon explained that the proposals from the Blue Ribbon Task Force, which were discussed in the 2007 Session, addressed taking 2 percent of the sales tax on vehicles and vehicle repairs from the State General Fund from two classification codes: (1) Standard Industrial Classification System (SICS); and (2) North American Industrial Classification System (NAICS). He explained that Nevada's Department of Taxation used the SICS code during the 2007 Session but noted the Department is currently using the NAICS. He stated the NAICS covers items such as motor vehicles and parts

dealers and enables the Department of Taxation to record taxable sales on those items. He said if Recommendation No. 5.B. moves forward, the taxable sales for FY 2008 would be $102 million.

- The Subcommittee **TOOK THE FOLLOWING ACTION:**

  SENATOR TOWNSEND MOVED TO ADOPT RECOMMENDATION NOS. 5.A. THROUGH 5.G. AND TO FORWARD THE RECOMMENDATIONS TO THE SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY AND THE ASSEMBLY COMMITTEE ON TRANSPORTATION AS INFORMATIONAL ITEMS ONLY WITHOUT A RECOMMENDATION FROM THE SUBCOMMITTEE AS A WHOLE. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOIOECHEA AND FAILED WITH SENATOR TITUS AND ASSEMBLYMEN ATKINSON AND OCEGUERA VOTING NAY.

RECOMMENDATION NO. 6—Draft legislation to require a hotel located in Clark County and Washoe County to assess the following fee when a person uses a parking facility located on the hotel property: (1) 50 cents for 5 hours or less; and (2) $1 for each 24 hours beyond the 5 hours. The money collected must be deposited into the State Highway Fund and must be used in the construction, reconstruction, improvement, and maintenance of the public highways in that county where the money is collected. *(Proposed by Chairman Nolan.)*

Discussion on the recommendation heard opposition from Greg Ferarro, President, The Ferraro Group, representing the Nevada Resort Association, Reno; Robert L. Crowell, Independent Gaming Operations Association, Carson City; Russell Rowe, Wynn Resorts, Las Vegas; and Carol Vilardo, previously identified. Objections included cutting free parking at hotels and creating new taxable transactions at resorts where sales and use taxes are already in existence.

The Subcommittee took no action on the Recommendation No. 6 due to lack of a motion.

RECOMMENDATION NO. 7—Draft legislation to assess a $100 fee against persons who are convicted of reckless driving, driving on a suspended or revoked license, driving under the influence, or motor vehicle-related accidents or driving felonies. The money collected must be deposited into the State Highway Fund and must be used exclusively for the construction, reconstruction, improvement, and maintenance of highways. *(Proposed by Chairman Nolan.)*

- The Chairman commented on the cost of vehicle accidents and how cleanup time affects traffic congestion. He said Recommendation No. 7 would assess an additional fine with the revenue distributed to the State Highway Fund for those persons who are convicted of a primary offense (recklessness, speeding, and driving under the influence) resulting in an accident. He mentioned the State of Washington has a two-tiered fine

program. If an accident occurs, which involves injuries, a person receives the maximum fine; however, if the accident does not involve injuries, the fine is less.

- The Subcommittee **TOOK THE FOLLOWING ACTION:**

  SENATOR TITUS MOVED TO ADOPT RECOMMENDATION NO. 7 AS A BILL DRAFT REQUEST. THE MOTION WAS SECONDED BY ASSEMBLYMAN OCEGUERA AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 8—Draft legislation to dissolve Nevada's Transportation Services Authority of the Department of Business and Industry (DBI) and the Taxicab Authority of DBI, and transfer their responsibilities to other State agencies, counties, and cities. *(Proposed by A.R. "Bob" Fairman, Lobbyist. See* ***Tab E of Exhibit E*** *for additional information on this issue.)*

Subcommittee members discussed the history of the recommendation as it was presented to the 2007 Session of the Legislature and failed.

The Subcommittee took no action on the Recommendation No. 8 due to lack of a motion.

RECOMMENDATION NO. 9—Draft legislation to require NDOT to consider the possible impact of wildlife corridors, and apply mitigation strategies to protect both human and wildlife resources. *(Proposed by Ted Wehking, Chairman of the Nevada Wildlife Record Book Foundation. See* ***Tab F of Exhibit E*** *for additional information on this issue.)*

- Ms. Paslov Thomas, previously identified, noted that the language in Recommendation No. 9 should have read "Draft legislation to require NDOT to consider the possible impact **of highways on** wildlife corridors, and apply mitigation strategies to protect both human and wildlife resources."

Subcommittee members discussed the intent of the recommendation, which could prevent accidents by not building roads in heavily traveled wildlife areas or building overpasses across existing highways in those habitat areas.

- Senator Titus recalled from previous meetings that she had suggested the use of reflector lights for keeping animals off roadways. She proposed that the language in the recommendation be broadened to include submitting a letter to NDOT to consider the impact of traffic on State highways as well as the effect on wildlife.

- The Subcommittee **TOOK THE FOLLOWING ACTION:**

  SENATOR TITUS MOVED TO ADOPT RECOMMENDATION NO. 9 IN THE FORM OF A LETTER TO NDOT TO CONSIDER THE POSSIBLE IMPACT OF HIGHWAYS ON WILDLIFE CORRIDORS AND APPLY MITIGATION STRATEGIES TO PROTECT BOTH HUMAN AND WILDLIFE RESOURCES. THE MOTION WAS SECONDED BY SENATOR TOWNSEND AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 10—Draft legislation to repeal the requirement to wear a protective headgear for a driver who is over 21 years of age and licensed to drive a motorcycle. In addition, a passenger of a motorcycle who is over 21 and driving with a person who meets the aforementioned criteria is not required to wear protective headgear. *(Proposed by Mike Davis, President, Southern Nevada American Bikers Aimed Toward Education [ABATE] of Southern Nevada. See* ***Tab G of Exhibit E*** *for additional information on this issue.)*

The Subcommittee took no action on the Recommendation No. 10 due to lack of a motion.

RECOMMENDATIONS FOR WRITING LETTERS

RECOMMENDATION NO. 12—Write a letter to the Nevada Executive Committee on Traffic Safety supporting the Nevada Strategic Highway Safety Plan. The Committee should be commended for a plan that promotes a culture of safety, which is comprised of the following components: (1) seat belt usage; (2) impaired driving; (3) safe intersections; and (4) pedestrians. In addition, the Committee should be acknowledged for its efforts to reduce accidents and accident-related congestion on Nevada's highways. *(Proposed by Chairman Nolan and discussed at the November 13, 2007, and July 2, 2008, meetings. See* ***Tab I of Exhibit E*** *for additional information on this issue.)*

Discussion on the recommendation included background on the Nevada Executive Committee's Nevada Strategic Highway Safety Plan (NSHSP). Senator Titus suggested that the Subcommittee send a letter to commend the Nevada Executive Committee on Traffic Safety and acknowledge their efforts to reduce accidents instead of writing a letter supporting the NSHSP.

- The Subcommittee **TOOK THE FOLLOWING ACTION:**

  SENATOR TITUS MOVED TO ADOPT RECOMMENDATION NO. 12 WITH AMENDED LANGUAGE TO WRITE A LETTER TO COMMEND THE EXECUTIVE NEVADA COMMITTEE ON TRAFFIC SAFETY FOR DEVELOPING THE NEVADA STRATEGIC HIGHWAY SAFETY PLAN IN REDUCING ACCIDENTS AND TO SEND A COPY OF THE LETTER TO THE SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY AND THE ASSEMBLY COMMITTEE ON TRANSPORTATION. THE MOTION WAS SECONDED BY SENATOR TOWNSEND AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 13—Write a letter to the members of Nevada's Congressional Delegation urging their support of S. 3261 (Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2009). The legislation includes an $8 billion transfer from the Federal General Fund to the Highway Trust Fund to stop an expected FY 2009 Trust Fund shortfall. If the shortfall is not resolved, the National Conference of State Legislatures predicts that states and their road projects will experience a shortfall even greater than $3.2 billion—approximately four times as much—due to time lags between when states obligate their funds and when federal outlays are received. A delay of the shortfall fix creates uncertainty in state budgeting for transportation projects based on federal commitments. *(The Status of Appropriations Legislation for FY 2009 and a summary of S. 3261 are located on the THOMAS [Library of Congress] website [thomas.loc.gov]. See* ***Tab J of Exhibit E*** *for additional information on this issue.)*

- Kent Cooper, Assistant Director, Planning Division, NDOT, explained that if the federal government does not fund the transportation shortfall, NDOT would receive an estimated amount of $120 million to $140 million a year of federal highway funds. Generally, NDOT receives approximately $220 million to $240 million a year of federal highway funds.

- The Subcommittee **TOOK THE FOLLOWING ACTION:**

  SENATOR TOWNSEND MOVED TO ADOPT RECOMMENDATION NO. 13 TO WRITE A LETTER TO THE MEMBERS OF NEVADA'S CONGRESSIONAL DELEGATION URGING THEIR SUPPORT OF S. 3261 (TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2009). THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED UNANIMOUSLY.

- Senator Titus commented on Recommendation No. 10 and noted that in the past she has been supportive of Nevada's helmet law because of the costs borne by the State and taxpayers when a person has incurred severe head injuries and exhausts his insurance

coverage. She opined that supporters to repeal the helmet law are making compelling arguments based on findings in other states. Therefore, she suggested reconsidering Recommendation No. 10 by sending a letter to the Senate Committee on Homeland Security and the Assembly Committee on Transportation to consider a bill to repeal the helmet law, which would provide the Legislature an opportunity to hear both sides of the arguments.

- The Subcommittee **TOOK THE FOLLOWING ACTION:**

  SENATOR TITUS MOVED TO RECONSIDER RECOMMENDATION NO. 10. AND SEND A LETTER TO THE SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY AND THE ASSEMBLY COMMITTEE ON TRANSPORTATION TO CONSIDER REPEALING THE REQUIREMENT TO WEAR PROTECTIVE HEADGEAR FOR A DRIVER WHO IS OVER 21 YEARS OF AGE AND LICENSED TO DRIVE A MOTORCYCLE. IN ADDITION, TO CONSIDER A PASSENGER OF A MOTORCYCLE WHO IS OVER 21 AND DRIVING WITH A PERSON WHO MEETS THE AFOREMENTIONED CRITERIA IS NOT REQUIRED TO WEAR PROTECTIVE HEADGEAR. SENATOR TOWNSEND SECONDED THE MOTION WHICH PASSED WITH CHAIRMAN NOLAN AND ASSEMBLYMAN OCEGUERA VOTING NAY.

RECOMMENDATIONS FOR STATEMENTS TO BE INCLUDED IN THE SUBCOMMITTEE'S FINAL REPORT

There were no proposed recommendations for statements to be included in the Subcommittee's final report.

PUBLIC COMMENT

- Patrick T. Sanderson, Lobbyist, Laborers Local 872, Carson City, voiced his concern with a portion of the language in Recommendation No. 2 regarding toll projects, which reads ". . . NDOT is authorized to enter into agreements with other public or private entities to design, develop, finance, construct, maintain, repair, or operate a toll project." He was of the opinion that any repair or construction should be completed by workers and contractors from the State of Nevada using the same bidding regulations set forth by State statute. He was in agreement that Nevada is in need of funding.

- Karen Jurasinski, President, Sin Sity Sisters Motorcycle Club; Vice President of ABATE of Southern Nevada; and Chair of the Confederation of Clubs, Las Vegas, voiced support for Recommendation No. 7. She made the suggestion to include fines for right-of-way violations because that type of violation is the most prolific and causes more congestion on the streets and highways. She concluded that fines should be a minimum of $500 to $1,000 and mandatory jail time imposed for persons who cause accidents which result in injury or death.

- Chairman Nolan thanked members, staff, and the public for their involvement with the Legislative Commission's Subcommittee to Study Transportation Issues.

ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 4:59: p.m.

Respectfully submitted,

Jeannie Claussen
Senior Research Secretary

Marjorie Paslov Thomas
Senior Research Analyst

APPROVED BY:

Senator Dennis Nolan, Chair

Date: _____

LIST OF EXHIBITS

Exhibit A is the "Meeting Notice and Agenda" provided by Marjorie Paslov Thomas, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

Exhibit B is a Microsoft PowerPoint presentation titled "City of Sparks, Report to Interim Transportation Committee," presented by Shaun Carey, City Manager, City of Sparks.

Exhibit C is a handout titled "Legislative Commission's Subcommittee to Study Transportation Issues, Motorcycle Helmets, The Florida Experience," dated August 21, 2008, submitted by John R. Johansen, Highway Safety Representative, Office of Traffic Safety, Nevada's Department of Public Safety (DPS).

Exhibit D is a report titled "Evaluation of the Repeal of the All-Rider Motorcycle Helmet Law in Florida," furnished by John R. Johansen, Highway Safety Representative, Office of Traffic Safety, DPS.

Exhibit E is the "Work Session Document" provided by Marjorie Paslov Thomas, Senior Research Analyst, Research Division, LCB.

Exhibit F is a table titled "Table 2, Current Taxes and Fees Imposed or Authorized as State and Local Revenue Sources," dated February 18, 2008, furnished by Russell J. Guindon, Senior Deputy Fiscal Analyst, Fiscal Analysis Division, LCB.

This set of "Summary Minutes and Action Report" is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.