

Assembly

TRANSPORATION COMMITTEE MEETING HELD APRIL 1ST, 1969

61

Members present: Hafen, Kean, Howard, Ashworth, Tyson and Glaser

Members absent: Wood

Others present: Louis K. Koontz, Nevada State Highway
William A. Reinker, Nevada State Highway
C. P. Brechler, Clark County Reg. St. & Hyw. Comm.
Clark Guild, Jr., Atty. - U.P.R.R. Co.
Carl A. Soderblom, S.P. Co. - W.P. R.R. Co.
C. R. Cleland, Chairman - Clark County Reg. St. & Hy. Comm.
Wm. S. Barker, Atty for Clark County Las Vegas & North Las Vegas re: Owens Avenue Underpass
Grant Davis, Bill Drafter
Bob Guinn, Nevada Motor Transport

Chairman Hafen called the meeting to order at 10:45 A.M. for the purpose of giving the guests an opportunity to speak on AB 734 and 735 and to consider AB 269.

Mr. Wm. S. Barker spoke on the subject of crossings. Under general law no one can restrict property to injure or restrict others in the enjoyment of their property, he said. He mentioned that there was a plant in Henderson that caused an air pollution problem. They will pay for it because they caused it. He said that the Committee might wonder how this relates to the railroad. He said that it was not unusual for communities to grow up on both sides of the railroad. These people have to have access in order to use their property. Therefore, to the extent that the affect of the railroad is to restrict people in normal use of the property regularly they should pay for it and it would depend on whether the railroad was first or not he said. He stated that the problem that exists, exists when an amendment that was made benefited the railroad. The failure of the railroad to participate in problems they have created has caused this situtation. When the railroad does not have to pay towards the crossing or its maintenance the responsibility is left to the public body involved. He told of an experience they had when a two lane crossing was changed to a four lane grade crossing. The cost did not actually exceed \$52,400 a grade separation was necessary because of the railroad track and is going to cost \$405,000 and because under the existing situation you can only have one basis of benefit only, this means the railroad is going to pay \$78,000 and the cities of North Las Vegas are going to have to pay \$300,000 in an area where if it were not for the railroad the problem would not exist. The cost should not be limited to benefits. The railroad should pay for creations of problems. He said that if there is a dispute over this the Public Service Commission is there to analyze these things. If there is a dispute then that single point of dispute should be brought to the P.S.C. Maintenance should be divided on the basis that the railroad should take care of the railroad and the highway should take care of the roadway going over. The railroad bridge and equipment should be maintained by the railroad. I think this is a simplified and practical way of doing it.

Chairman Hafen: "Are there any questions?"

Keith Ashworth asked if AB 734 was the one to handle the situation.

Mr. Barker answered that no, this is a case where the government pays 90% and the railroad 10%.

Mr. Ashworth asked what does AB 735 do? He was unable to be present at a previous meeting where these were explained.

Barker: "What I suggested makes much better sense".

Keith: "And you are suggesting a different summary?"

Barker: "I would expect amendments on both of these bills.

Keith: "But as I understand your statement you feel there should be a formula, is that correct?"

Barker: I don't think you can come up with a set percentage you have to look at each problem. First determine the need for a crossing and then based upon what they feel the need is.

Mr. Ashworth said that since Mr. Barker was against both of these bills and the Committee had to do something I suggest you give us formula.

Mr. Kean asked Mr. Barker if he was addressing himself to grade crossing or grade separations and Mr. Barker answered to both.

Mr. Glaser added that he was interested in his analysis and he understood what he said but he would be interested in Mr. Barker taking what you feel is the best bill and preparing some amendments to make it better relative to the situation. He said that what Keith was trying to do was to pin him down to one piece of legislation.

Mr. Barker answer that he would like the opportunity to do so as quickly as he could. He would like the opportunity to prepare such a suggestion.

Mr. Glaser told him to go out in a quiet corner and prepare what he suggested.

Mrs. Tyson commented that they had discussed SB 420 along with these others.

Mr. Barker said that it only involved the state highway and that he wouldn't think it was proper for him to get involved in Mr. Koontz's area.

Chairman Hafen asked if there were any other questions from the Committee members.

Tom Kean suggested they try to get one criteria for handling this problem in its entirety.

Mr. Koontz said we were well satisfied and we were going along a smooth path until the railroad took it upon themselves to repeal 405.200 and that was what precipitated this whole situation. The man that accomplished this is now president somewhere.

Chairman Hafen asked if there were any more questions from the Committee. He said they they realized that they had a job to do and would give all of this serious consideration. He then thanked all the guests for appearing and excused them.

He then brought up AB 269 as the next order of business. He asked why the Committee couldn't do the same thing as they did with AB 271.

After much discussion motion was made to do pass AB 269 as amended.

Motion seconded.

Motion carried.

Chairman then turned to AB 128 mentioning that it was Jim Wood's bill. This is a bill which permits local governments to let carriage contracts without advertising or requesting bids.

Mr. Glaser said that this bill on closer study looked like there might be a lot of ramifications of which we are not aware.

Motion was made to adjourn at 12:10.