

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Fifth Session
March 31, 2009**

The Committee on Transportation was called to order by Chairman Kelvin Atkinson at 1:34 p.m. on Tuesday, March 31, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Kelvin Atkinson, Chairman
Assemblyman Mark A. Manendo, Vice Chair
Assemblyman John C. Carpenter
Assemblywoman Marilyn Dondero Loop
Assemblyman Pete Goicoechea
Assemblyman Joseph M. Hogan
Assemblyman Ruben J. Kihuen
Assemblywoman Ellen B. Spiegel
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Chad Christensen (Excused)
Assemblyman Jerry D. Claborn (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Marilyn Kirkpatrick, Clark County Assembly District No. 1
Assemblyman James Ohrenschall, Clark County Assembly District No. 12

Minutes ID: 737

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STAFF MEMBERS PRESENT:

Michael DeLee, Extern, Assemblyman James Ohrenschall
Marjorie Paslov Thomas, Committee Policy Analyst
Darcy Johnson, Committee Counsel
Marlen Schultz, Committee Secretary
Steven Sisneros, Committee Assistant

OTHERS PRESENT:

Rhonda Bavaro, Administrator, Motor Carrier Division, Department of Motor Vehicles
Dawn Lietz, Supervising Auditor II, Motor Carrier Division, Department of Motor Vehicles
Paul J. Enos, Chief Executive Officer, Nevada Motor Transport Association, Reno, Nevada
Peter D. Krueger, i3 Public Affairs, LLC, representing the Nevada Petroleum Marketers, Reno, Nevada
Richard T. Collins, Captain, Las Vegas Metropolitan Police Department, Las Vegas, Nevada
Brian O'Callaghan, Detective, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department, Las Vegas, Nevada
Bill Bainter, Lieutenant, Commercial Enforcement Coordinator, Nevada Highway Patrol, Department of Public Safety
Linda West Myers, representing Go West Institute, Las Vegas, Nevada
Ed Gobel, President, Nevada Veterans Organizations, representing Go West Institute, Las Vegas, Nevada
John Sagebiel, Optibike Ambassador, Reno, Nevada
Kyle Davis, Policy Director, Nevada Conservation League, Las Vegas, Nevada
Alexandra Profant, Founder and Director, The Tahoe Foundation, Incline Village, Nevada
Tom Fronapfel, Administrator, Division of Field Services, Department of Motor Vehicles
Rajat Jain, Actuary, Property and Casualty Section, Division of Insurance, Department of Business and Industry
Randy J. Brown, Director, Regulatory and Legislative Affairs, AT&T Nevada, Reno, Nevada

Chairman Atkinson:

[Secretary called roll.] We do have four bills on our agenda today. We will listen to testimony on Assembly Bill 372, Assembly Bill 417, Assembly Bill 441,

and Assembly Bill 455. At this moment, we plan to take them in order since no one has advised me they need to do otherwise. We are going to ask Assemblyman Carpenter to proceed to the witness table and present A.B. 372.

Assembly Bill 372: Makes various changes concerning registration of commercial motor vehicles. (BDR 43-1015)

Assemblyman John C. Carpenter, Assembly District No. 33:

I believe this is the first bill I have ever presented to the Assembly Transportation Committee. I am here to testify on Assembly Bill 372. This bill proposes to amend *Nevada Revised Statutes* (NRS) Chapter 482 and NRS Chapter 706 to add definitions for gross vehicle weight ratings and combined gross vehicle weight ratings to ensure appropriate registration fees are paid to the state and reduce the potential for fraud or evasion. It also will provide for the purchase of temporary registration permits prior to motor carriers entering the state and allows for administrative fines to be assessed for violations of Chapter 706 of NRS. These changes will allow the Department of Motor Vehicles (DMV) to fairly administer registration and permit fees and assess fines for interstate motor carriers traveling through Nevada without proper credentials. These changes will also assist in preventing an unfair competitive advantage for interstate carriers when compared with those 100 percent Nevada-intrastate motor carriers. Representatives from the Motor Carrier Division of DMV are available to provide additional testimony and answer any questions you may have. I would also like to say the DMV representatives believe they will collect over \$800,000 from the added registration and from having the truckers buy their permits before they enter the state. At this time, Dawn Lietz and Rhonda Bavaro are here to answer any questions the Committee may have which I am unable to handle.

Chairman Atkinson:

Are there any questions from the Committee members for our colleague? There are no questions, so we will have the two ladies from DMV come forward to provide an overview.

Rhonda Bavaro, Administrator, Motor Carrier Division, Department of Motor Vehicles:

I am pleased to speak to you in support of A.B. 372. This bill proposes to amend NRS Chapters 482 and 706 to add definitions for gross vehicle weight ratings and combined gross vehicle weight ratings to ensure appropriate registration fees are paid to the state and reduce the potential for fraud or evasion [Ms. Bavaro read from prepared text ([Exhibit C](#))].

Chairman Atkinson:

Are there any questions?

Assemblywoman Spiegel:

Could you explain how this process currently works in terms of the weights and how the fees are calculated?

Dawn Lietz, Supervising Auditor II, Motor Carrier Division, Department of Motor Vehicles:

Under the trip permits, vehicles weighing over 26,000 pounds are required to purchase a permit before they pass the first available vendor. There are ten permitting companies and I have a list which can be faxed to the carriers prior to them entering Nevada. The problem occurs because they are allowed to go to the first available authorized vendor. Many times their trip does not require them to travel to a vendor's location, and they are not violating the law unless they pass the first available vendor. So it creates problems for the Nevada Highway Patrol (NHP), and sometimes their citations are disallowed because of this fact. It would simplify things if we could require the permits prior to the motor carrier entering the state. A second part of the bill addresses the classification of a commercial motor vehicle. A commercial motor vehicle is classified by the Internal Revenue Service (IRS) as a vehicle of 10,001 pounds or more and our law does not require this weight. However, California requires Nevada-based carriers to have either apportioned plates or purchase permits if they are doing business in California. Actually, this sets up an unfair playing field for the companies doing business in Nevada. There is a provision which specifically excludes vehicles weighing 10,000 to 26,000 pounds reserved for personal use, such as recreational vehicles. It is written strictly for commercial motor vehicles.

Chairman Atkinson:

Does the Committee have any further questions? Many of our members are obligated to work with several other committees during this time period, and we are a little short-handed at the moment. So please bear with us. Mr. Carpenter, do you have anyone else who is ready to speak in favor of this proposal?

Assemblyman Carpenter:

Thank you, Mr. Chairman. I think there are people who want to testify but I do not have a list.

Chairman Atkinson:

Okay, then we will ask if there is anyone else who wants to testify in favor of A.B. 372 in Carson City?

**Paul J. Enos, Chief Executive Officer, Nevada Motor Transport Association,
Reno, Nevada:**

I am here to speak in favor of A.B. 372. As was previously stated by the sponsor, we believe this will reduce the potential for fraud and evasion. It creates a level playing field for in-state carriers. Already there are many options for these companies coming into our state to do business to obtain these permits, and they do not often comply. Therefore, we feel this bill gives the Department of Motor Vehicles some teeth to go after the people who are skirting the law and will provide the equity needed.

Peter D. Krueger, i3 Public Affairs, LLC, representing the Nevada Petroleum Marketers, Reno, Nevada:

Many of our members are liquid haulers and we are in support of this bill. I had asked Mr. Enos to say this in order to save time, but he deferred to me. Therefore, we urge you to consider passage of Assemblyman Carpenter's proposal.

Chairman Atkinson:

Does anyone else want to testify? As Chair, I do not have any negative issue with this bill, but we will wait until our next work session to make sure the entire Committee is available before we call for a vote. We will close the hearing on A.B. 372.

We will take a short recess while I send Assemblywoman Kirkpatrick a message to attend this hearing to present her bill. [The meeting reconvened at 1:52 p.m.]

**Assembly Bill 417: Revises provisions governing the operation of vehicles.
(BDR 43-946)**

Assemblywoman Marilyn Kirkpatrick, Clark County Assembly District No. 1:

I have not been back before the Assembly Transportation Committee since my freshman year. I have returned today to present Assembly Bill 417 and I have some people with me to provide technical support. However, let me tell you the background scenario which led to the origination of this proposal. Most of you know I travel extensively for my regular job. I drive approximately 600 miles every week. I go anywhere from Mesquite to Laughlin, and a pet peeve of mine is when another driver wants to exceed the speed limit and attempts to pass the slower traffic on the right-hand side. These drivers usually do not get there sooner, because they are involved in an accident a short distance up the road. They did not see the person pulling out of a side street in a congested business district.

In North Las Vegas near the intersection of Cheyenne Avenue and Losee Road, the traffic is always backed up. There is invariably somebody trying to drive on the right-hand side to move to the intersection and make a free right-hand turn by getting there a little faster than the rest of us. There is a camping trailer facility near this location, and vehicles are constantly trying to pull out and merge into the traffic. These vehicles are cumbersome and hold up everyone as they maneuver into the faster traffic. Currently, the law allows a driver to travel in the turn lane, but it must be done in a safe manner. Therefore, I am proposing that vehicles are not permitted to enter this lane within 200 feet of the intersection. Also, this provision would apply to a vehicle in the travel lane of a highway. We have worked with the Las Vegas Metropolitan Police Department (Metro) on drafting this proposal, and I used the example of driving on the Interstate 15 at Spring Mountain Road. Many motorists use the off ramp as a right-hand travel lane, and they are driving at 55 miles per hour when they reach Sahara Avenue. At this point, the illegal traffic quickly jumps in front of the closest motorist in the adjacent lane.

With the Chairman's permission, I would like Captain Collins in Las Vegas and Detective O'Callaghan in Carson City to come up to their respective witness tables for their presentations.

Richard T. Collins, Captain, Las Vegas Metropolitan Police Department, Las Vegas, Nevada:

I am the Commander for the Las Vegas Metropolitan Police Department Traffic Bureau. I have come before you to support A.B. 417. We agree with Assemblywoman Kirkpatrick's statements, and we have data from a task force in southern Nevada consisting of members from the Nevada Highway Patrol (NHP), North Las Vegas, Henderson, Boulder City, the Clark County School District, and others who enforce traffic laws in this region. We noted an increasing number of accidents occurring from right-of-way-type violations and passing on the right. Based on that, we have asked for some changes to the bill. Also, we talked to the NHP in northern Nevada and they are experiencing the same difficulties. They concur passing on the right contributes to an inordinate number of accidents annually.

In the Metro jurisdiction in 2007 and 2008, officers investigated approximately 5,000 accidents related to right turns or right-of-way configurations. These types of accidents, along with the growing population and the number of vehicles on the highways and roadways, led to our recommendation on two separate actions. The first part of A.B. 417, which pertains to the *Nevada Revised Statutes* (NRS) 484.297, passing on the right, and we agree a motorist should not travel more than 200 feet in a section of pavement not marked as a traffic lane. Also, while driving on said unmarked section of

pavement a motorist shall not travel through an intersection or pass any private driveway used for ingress and egress to the highway. The second portion of this bill should be looked at in conjunction with freeway enforcement, under NRS 484.311, which concerns access and egress from freeways. In section 2, subsection 1, we agree that "except if required by an emergency, a person shall not drive a vehicle on a controlled access highway, paragraph (a), upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane," or paragraph (b) across any solid white line that separates an entrance or exit lane from a marked traffic lane." A copy of the Federal Highway Administration's rule for pavement markings was distributed ([Exhibit D](#)). The concerns we have are motivated by the number of accidents we happen upon every day. Southern and northern Nevada would benefit from the passage of this bill with the revisions.

Chairman Atkinson:

Does anyone have any questions?

Assemblyman Manendo:

It was my understanding we currently were not permitted to drive in the emergency lanes. Is this wrong?

Richard Collins:

That is not correct. According to state law you are allowed to drive in that non-travel lane as long as it is not blocked by parked cars and you do so in a safe manner.

**Brian O'Callaghan, Detective, Las Vegas Metropolitan Police Department,
Las Vegas, Nevada:**

Actually, the Captain covered everything I was ready to offer in my testimony.

**Bill Bainter, Lieutenant, Commercial Enforcement Coordinator, Nevada Highway
Patrol, Department of Public Safety:**

We support A.B. 417 for all the reasons discussed. Specifically, this clarifies that it is prohibited to travel across white lines on controlled access highways, which includes our freeway system. At NHP we currently take enforcement action on vehicles crossing solid white lines, particularly around the on and off ramps, which is referred to as the "gore" area. When driving up the on-ramp, I think we have all seen or experienced the vehicle behind us crossing the solid white line and passing as we are attempting to merge into the travel lane. This is a traffic hazard which we take action on, and we have historically been using the statute for disregarding a traffic control device when we issue a ticket, which is somewhat ambiguous, but has been accepted by the courts. This bill

clarifies that type of maneuver by vehicles as a violation, and again, we support this proposal.

Chairman Atkinson:

Are there any questions from the members? Seeing none, I thank you for your testimony and ask you to resume your place in the audience. Is there anyone in Carson City wishing to speak in favor of A.B. 417? Is there anyone in Las Vegas?

Linda West Myers, representing the Go West Institute, Las Vegas, Nevada:

We have a tradition in Nevada for coming up with common sense solutions to our problems. Originally, I talked to Captain Collins to understand what problem was being addressed by the legislative proposal being considered. In my opinion, by allowing people to pass on the right the law would create an invitation for more accidents, and possibly, traffic fatalities. Presently, there are a number of different driver's training courses which teach motorists how to predict the behavior of other drivers on the roads. If we significantly change the primary rules, it will decrease the predictability and increase the risk of collisions. Therefore, I am opposed to the bill as written. After listening to Assemblywoman Kirkpatrick's testimony, we probably should ban passing on the right entirely.

Chairman Atkinson:

I am not sure Ms. Kirkpatrick wanted to propose a prohibition for vehicles passing on the right. I want to set the record straight, because in my opinion, she did not imply this.

We will hear your brother's testimony, if no one else has any questions.

Linda West Myers:

I am not opposed to putting more restrictions on people's ability to pass on the right. I am opposed to the bill the way it is written because it expands people's perceptions to the point where they may feel it is okay to pass on the right.

Assemblywoman Spiegel:

Perhaps Assemblywoman Kirkpatrick could clarify this for us. I really felt this proposal was restricting people's ability to pass on the right.

Chairman Atkinson:

Are there any other questions from the Committee members? Seeing none, then we will take Mr. Gobel's testimony.

Ed Gobel, President, Nevada Veterans Organizations, representing Go West Institute, Las Vegas, Nevada:

I am a member of many different veterans' organizations as well as the Go West Institute for transportation and infrastructure. I want to thank you first, Mr. Chairman, not just for your sense of humor but the way you treat people with dignity and respect. I feel you have always demonstrated equitable treatment even if you do not agree with their views. Therefore, I appreciate that very much.

I want to begin by stating I agree with virtually all of the testimony which has been given so far. Their comments represent all the points I would have made in opposition to this bill. In section 1, it does not restrict people from passing on the right. In fact, it provides additional ways in which it would be legal to pass on the right. I understand the Las Vegas Metropolitan Police Department's concerns about this portion of the bill because they have significant manpower enforcing this type of offense.

It only takes a vehicle 2.28 seconds to travel 200 feet at 60 miles an hour. If a driver attempted to pass another vehicle, it would certainly require more than three seconds to complete this maneuver and would be incredibly dangerous. We investigated this provision with the Insurance Institute of America as well as a number of other states and there were no reports of anyone successfully implementing a traffic law allowing drivers to pass on the right where there is no traffic lane.

The bill does not match testimony, because most people in the audience today believe this proposal would restrict the driver, whereas it clearly expands the conditions permitting a motorist to pass on the right. It may not be intended to do so. Most of the proposed language is taken word for word from the Commonwealth of Virginia except for the fact it leaves out all the provisions on safety.

The *Nevada Revised Statutes* (NRS) 484.311 says "when official traffic control devices are erected giving notice thereof." It says nothing about controlled access highways and this would make sense if it did. I am willing to provide all the information if you desire.

Chairman Atkinson:

Thank you for your kind words, Mr. Gobel. On this Committee we try our best to have a good time while we are taking care of the state's business. Sometimes we inject a little laughter, most of it at the Chairman's expense.

I believe Ms. Johnson has a comment regarding the last testimony.

Darcy Johnson, Committee Counsel:

In Mr. Gobel's presentation, he mentioned a distance for passing. It is my understanding the 200 feet is more restrictive than the current language referenced in NRS 484.297. The only concern is the provision stating "not marked as a traffic lane." I am not sure whether there is another restriction in the statutes on travel in a lane not marked as a traffic lane.

Chairman Atkinson:

I think Mr. Gobel was referencing NRS 484.311, section 2, if I am correct.

Ed Gobel:

It was both sections. Your esteemed member of the Legislative Counsel Bureau is correct in what she said about section 1. You are correct on section 2, which does not address a controlled access highway. It addresses a highway with meters on it.

Chairman Atkinson:

Are there any other questions from the members for either of the witnesses in Las Vegas? Assemblywoman Kirkpatrick, do you want to close or provide any additional clarification?

Assemblywoman Kirkpatrick:

Let me state for the record: the intent is to increase public safety. In working with law enforcement agencies for more than a month, we wanted to make sure public safety is the first priority on our roads and freeways. My personal observations have led me to conclude that many of our travelers are not following the rules. I could survey all the judges in our state and they would say the law is not clear. This proposal is attempting to clarify the law to specify when you can and cannot be in the marked traveled lane. I am willing to approach our Legal Division and ask them to review the language and make it crystal clear.

You may have heard about the horrible accident where a motorist was in a hurry and attempted to pass another vehicle from the right-hand lane. The motorist struck a person changing a flat tire along the side of the road near Primm because he was in such a hurry. Those are the types of accidents we are trying to prevent. Anytime we can avert a tragedy and save a life, we believe it is good public policy. I can also ask our law enforcement agencies, which are being challenged with this dilemma every day to refine the proposal further, if this would make the Committee more comfortable.

Chairman Atkinson:

I work for the Coroner's Office in my real life, and I am very familiar with the Primm incident. I think we are cognizant of what is being accomplished through this language and do not require additional information.

Are there any questions from the Committee? Our plan is to delay any vote on these bills until we have all of our members present and, therefore, we will bring this proposal back to the Committee on Thursday. If there are any questions for the Assemblywoman, I request the members to contact her before we discuss it at our work session. We will close the hearing on A.B. 417 and open a hearing for Assembly Bill 441.

Assembly Bill 441: Revises provisions governing transportation. (BDR 43-840)

Assemblyman James Ohrenschall, Clark County Assembly District No. 12:

This is a bill suggested to me by Michael DeLee, an extern of mine. He is attending the William S. Boyd School of Law at Las Vegas, and works for Assemblyman Segerblom as well. He spent approximately one month visiting relatives in mainland China, and electric bicycles are extremely popular over there. They are classified as "zero emission" vehicles, they are quiet, and they remove bigger vehicles from the road thereby reducing congestion.

Michael DeLee is seated to my left and he suggested this idea to make it easier by defining in statute what these vehicles are and what they are not. Also, Professor John Sagebiel from the University of Nevada, Reno (UNR) is with me. Professor Sagebiel is the Environmental Affairs Manager at UNR, and he has been kind enough to bring his personal electric bicycle to show all the members of the Committee. His electric bicycle is worth approximately \$10,000 more than the vehicle I use to commute to work. If it is all right with the Committee I would like to turn this over to my extern who has a PowerPoint presentation, and then to Dr. Sagebiel.

Chairman Atkinson:

How much does this bike cost?

John Sagebiel, Optibike Ambassador, Reno, Nevada:

This bike has a custom paint job worth \$1,800 which was applied by a professional technician who usually paints Harley-Davidson motorcycles. My electric bike is also worth more than my car, but it replaces my car on many days which is the point.

Chairman Atkinson:

I cannot see myself giving up my car for it, but I understand how you may feel about its value, both in dollars as well as aesthetics.

We will now offer the microphone to Mr. DeLee to make his presentation.

Michael DeLee, Extern, Assemblyman James Ohrenschall:

We do have significant changes in the mock-up from the original proposal. A copy has been distributed to each of the legislators for your review ([Exhibit E](#)). We also have a couple of friendly amendments which take out the 14-inch diameter requirement and mirror the federal definitions by allowing it to be a two- or three-wheeled vehicle, but I will address those in a moment. However, I will start with the PowerPoint ([Exhibit F](#)) presentation at this point.

First, I want to apprise you of the fact that electric bikes are not new. They are over 100 years old in concept and in actuality, go back to the 1890s, when patents were originally issued. As you can see from what is being exhibited at the front of the room, the technology has advanced since then ([Exhibit G](#)) and you will hear more about this particular model in the future. There are a number of other bikes available. A local bike shop representative was outside today and many of you may have had an opportunity to try out a slightly more affordable version after the floor session. There are also electric bicycle (e-bike) conversion kits available as can be seen in this photo. These would qualify in the same weight category as the power categories.

Now I would like to get into the specifics; the purpose of the bill is to clarify the legal status of e-bikes and we have a definition taken from the federal guidelines. However, there is some concern that a federal definition taken from a consumer product safety statute applies to anything dealing with electric bicycles, and this is not the case. States are free to permit how these are used on public right-of-ways. An electric bicycle under the categories we are defining mirroring the federal statutory guidelines will be treated as a bicycle, which is the essence of our bill. Many different jurisdictions will recognize electric bicycles as distinct from their categories for mopeds which we are familiar with, and the other half of this bill does redefine moped as well. The Department of Motor Vehicles has worked closely with us to include these definition changes in this proposal. There is another bill out, [Senate Bill 309](#), which deals with the registration of mopeds, but I want to be clear that for both e-bikes and mopeds we are not addressing registration or permitting issues. The confusion we wish to eliminate will be handled by a decisive statutory definition to encourage people to buy and use these vehicles as an alternative form of transportation and a preferred mode of travel compared to scooters. This is a new category which we would like to be made available to everyone.

Where federal funds are used in constructing lanes for bicycles or pedestrians, the states must have regulations in place regarding electric bicycles, if these are to be allowed, according to the federal guidelines in 2005. Briefly I wanted to address *United States Code*, Title 15, Section 2085. The Code stipulates 750 watts (W) of power, which is equal to one horsepower and 20 miles per hour (mph). We have written a provision which ensures this is the amount of power being delivered and not the power being drained from the battery. This should mirror the language used in the past to define mopeds as brake horsepower. So, it is not a theoretical horsepower. It is the actual horsepower.

The state of Iowa basically adopted the federal standards in their code, which is essentially identical to what we are proposing in this bill. Another example is China. In 2007, electric bicycles were believed to comprise 10 to 20 percent of all two-wheeled vehicles on the streets of the major cities.

I would like to review our recommended changes to the moped rules. There is a great deal of confusion about a device resembling a bicycle and virtually handling like a bicycle. We are clarifying this in our proposed change to read "motor-driven scooter, motor-driven cycle, or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower or which has a displacement of not more than 50 cubic centimeters or which has a motor less than 1500W or, and (1) is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and (2) is capable of a maximum speed of not more than 30 mph on a flat surface with not more than 1 percent grade in any direction when the motor is engaged." This terminology does not include an electric bicycle.

We added the 1500W language on the theory that if an e-bike was too powerful, then it would fall into the moped category and prevent it from being classified as a motor vehicle or motorcycle. The 1500W also allows for a standard unit of measurement and is likely to define an electric motor, whereas centimeters were the only description available in the previous statute covering mopeds.

Chairman Atkinson:

Are there any questions from the Committee members? The bike we are looking at has pedals which can be used to manually move it forward. So, you are asking me to spend \$10,000 on something I would have to pedal? If I spend that amount of money, I am not going to do any of the work.

I was in Taipei last year and they are very enthusiastic about this type of transportation. They have 10 times the population we have living on 1/10 of the space. Obviously, they resorted to creative transportation methods like

bicycles and mopeds which in turn help them maintain a cleaner environment. They have 23 million residents but only 1.5 million motor vehicles. The remaining vehicles are bicycles or mopeds. They actually have better laws pertaining to riding these alternative forms of transportation than they do for driving cars. It is refreshing to see someone like you who is trying to create awareness in our state and provide alternative means of transportation.

John Sagebiel:

Chairman Atkinson and members of the Committee, as mentioned earlier I am the Environmental Affairs Manager at UNR. This is my electric bike which falls under the categories we have been talking about. I appreciate Assemblyman Ohrenschall bringing this bill forward. It is fundamentally a bicycle, but you do not have to pedal it. It is designed to be pedaled even though it will run solely on the motor. I live on the Mount Rose Highway which is about 1,400 feet elevation above my office located 10 miles away. The terrain is hilly, and climbing hills on a regular bicycle drains the strength from the average individual, but it is effortless using the electric bike.

I am an avid cyclist and promote these bikes and bicycle use broadly. They have all the benefits everyone wants. They do not require a lot of space, help promote good health, and they are clean and quiet. Recognizing these electric bicycles in statute will encourage people to use them. They are wonderful for people who are not skilled cyclists and want to travel across town quickly and easily. In closing, I appreciate your support of A.B. 441, and thank you for your time.

Assemblyman Manendo:

How fast does this bike go?

John Sagebiel:

It is regulated and it is limited. If you use the throttle without peddling it, the bike will only achieve speeds of 20 mph. That is required for an electric bike by the federal statute.

Assemblyman Manendo:

In the proposed bill, there was a reference to a speed of 30 mph, but it was crossed out and replaced with 20 mph. However, I was left with the impression that it could go faster than 20 mph.

Michael DeLee:

There were a number of significant changes to the original version, and we researched the definition of moped for our guidelines and finally settled on the federal guidelines.

Assemblyman Manendo:

I was sorry to note the absence of a picture of Assemblyman Ohrenschall riding the electric bicycle. He promised us he would take it for a spin.

Assemblyman Ohrenschall:

Unfortunately, we were not able to get that particular photo into our PowerPoint presentation.

Assemblyman Goicoechea:

We have established how fast it will go; now how far will it go?

John Sagebiel:

It is difficult to define it in miles, but I will define it in time. The battery run-time, if you are on full throttle, is slightly less than one hour using the high-speed mode. There is also a lower power assist mode and you can use it for 2.5 hours. Also, the battery is tucked inside the frame of the bike, so it is not visibly exposed.

Assemblyman Goicoechea:

If it has a \$1,800 paint job, I do not blame you for not letting Assemblyman Ohrenschall ride it.

Michael DeLee:

I only wanted to clarify the other model shown on the screen will go 35 miles on a charge and it cost a total of \$1,500.

Chairman Atkinson:

Could you use this for competition riding events?

John Sagebiel:

I think that would be construed as unethical at the very least.

Assemblywoman Spiegel:

In section 2 in the mock-up on lines 14 and 15 on page 1, it seems to apply to someone who weighs exactly 170 pounds. Is the rider supposed to be over or under this weight?

Michael DeLee:

The federal guidelines delineate how the electric bike will be tested. Therefore, it must be tested to determine whether it meets the e-bike category. A person weighing 170 pounds rides the bike on a level surface, and if it goes more than 20 miles an hour it does not meet the criteria. Once the testing phase is over, it does not matter how much the person weighs who wants to ride it.

Assemblyman Carpenter:

The provision for requiring a permit for a moped has been deleted in the mock-up. So, you are saying it is not necessary to obtain a permit?

Michael DeLee:

The mock-up version does delete permit requirements for any bike or moped. Senate Bill 309 addresses registration requirements for mopeds and we felt it would be best to separate the two bills so they do not focus on the same subject categories.

Assemblyman Carpenter:

In this bill, you do not need a permit for either a moped or a bicycle, but there is another bill being considered which addresses this issue, then.

Chairman Atkinson:

I thought we already had a law which requires a permit for a moped.

Michael DeLee:

The bill actually requires registration, so it is more stringent than just requiring a permit. Also, I am not aware of any bill requiring a permit for bicycles.

Chairman Atkinson:

Are there any further questions? Is there anyone else who wants to speak in support of this proposal?

Kyle Davis, Policy Director, Nevada Conservation League, Las Vegas, Nevada:

We are in support of the bill. I believe it has been suitably outlined, and we are hoping to create a variety of benefits in order to encourage people to use alternative means of commuting, such as these electric bicycles.

Assemblyman Carpenter:

Do you have one of these electric bikes or mopeds?

Kyle Davis:

You can probably guess what my answer is, since I am not in as good shape as Professor Sagebiel. No, I do not have one.

Chairman Atkinson:

Are there any questions from the Committee? Then, Ms. Profant, you may proceed.

Alexandra Profant, Founder and Director, The Tahoe Foundation, Incline Village, Nevada:

I am here in support of this bill and also would like to speak on behalf of the complexity of the jurisdictional issues in the Tahoe Basin. Our slogan at The Tahoe Foundation is "preservation through education and innovation." We are focusing on problems like transit architecture and exploring the opportunities to beta test products like this electric bicycle.

In reviewing the definition of the electric bicycle as in section 10, it does not mention the pedaling or requirement of pedaling the bike. If this bill is passed and it is determined the bike design needs to be beta tested, a structure of some sort would have to be built to support and recharge the electric bike.

Then, looking at section 30, subsection 1, paragraph (a) about regulating and prohibiting processions or assemblages on the highways, it would be great to see language added calling out the opportunity for transit architecture to support these innovative technologies. Furthermore, in section 30, it would be better to see local authority expanded as part of the definition.

Chairman Atkinson:

Excuse me for interrupting, but you are supposedly speaking in favor of this proposal, and yet you are offering amendments?

Alexandra Profant:

I am not sure I have chosen the appropriate time to endorse the bill, because I do want the opportunity for the Committee to consider amendments.

Chairman Atkinson:

If you want us to hear your proposed amendments, then you must choose the neutral position for your comments. We would normally offer those people who are opposed to their turn at the podium first. However, since you are already in the middle of your testimony, we will allow you to proceed. However, if you are seeking changes, we do ask you to work with the sponsor of the bill and submit those amendments in writing.

Alexandra Profant:

I do not have anything prepared in writing, and there is only one final issue I would like to address. In section 30, it calls out local authority and it would be helpful to understand what that means in the context of the Tahoe Basin. On the Nevada side of Lake Tahoe, we work within the General Improvement District which is covered under *Nevada Revised Statutes* (NRS) Chapter 318. At this time the General Improvement District cannot act as a local authority adopting ordinances, except for the county. The Incline Village community

members would like to have the ability to explore the kind of technologies presented through this proposal. Finally, through the special designation of the Tahoe Metropolitan Planning Organization (MPO), which is the only MPO recognized for a rural area in the country, this bill is important for us to harness as much opportunity as we can to create jobs up at Lake Tahoe.

Tom Fronapfel, Administrator, Division of Field Services, Department of Motor Vehicles:

With the proposed amendment which was brought forward today, the Department of Motor Vehicles (DMV) is neutral. It takes away any fiscal note there would have been with the permitting requirements, and we have no issue with the proposed amendments Mr. DeLee offered today with the two- and three-wheeled restrictions as well as removal of the diameter threshold in the definition for electric bicycle.

Chairman Atkinson:

Thank you for your comments. This Committee is aware and grateful for the fact the DMV has been working hard this session, because we used to have fiscal note after fiscal note, but you and your staff have been working diligently to remove them and we really appreciate it.

Are there any questions for the DMV from the Committee members?

Rajat Jain, Actuary, Property and Casualty Section, Division of Insurance, Department of Business and Industry:

We had submitted a fiscal note, just like the DMV, but with the amendment I believe it is not relevant any longer. If you have any questions, I am willing to respond. I did have testimony prepared based upon the original proposal and if you would like, I could present that information to you.

Chairman Atkinson:

No, it will not be necessary. We have already worked it out satisfactorily. Are there any questions? Does anyone else want to testify in neutral? Then, Assemblyman Ohrenschall can make any closing remarks at this time.

Assemblyman Ohrenschall:

I appreciate your generosity in providing me this time to speak before your Committee. I believe this bill offers many pluses as amended. It may encourage people to purchase these bicycles, and provide a more economical way to travel as well as maintain their fitness.

Assemblyman Manendo:

Where would a person go to buy one?

Assemblyman Ohrenschall:

It is my understanding there are retailers in Carson City and in Reno. The e-bike referred to earlier, which costs \$1,500, was provided by a retailer in Carson City.

Chairman Atkinson:

I was pleased how well you worked to resolve all the issues and present amendments which met the needs of those concerned. We will ask you to work with Alexandra Profant to see if you can find an agreeable resolution to her proposals. Then, we will bring it back before April 10. We will close the hearing on A.B. 441 and open the hearing on Assembly Bill 455.

Assembly Bill 455: Provides for self-registration of certain motor vehicles.
(BDR 43-877)

**Assemblywoman Melissa Woodbury, Clark County Assembly District No. 23,
Las Vegas, Nevada:**

Assembly Bill 455 will allow the Department of Motor Vehicles' (DMV) Motor Carrier Division to enter into agreements with motor carriers and service providers to allow self-issuance of vehicle registrations, license plates, and decals. This bill would allow motor carriers to have more involvement in and flexibility with their fleet operations, by enabling them to put new vehicles into service immediately following purchase, even on weekends and holidays. This will provide for increased operational ability and may attract larger companies into Nevada by offering a variety of services and options to Nevada carriers, and could also result in greater efficiency at the DMV. Similar programs exist and have been running effectively in a few other states. Large fleets, such as United Parcel Service (UPS) and Penske, have relocated their base of operations to Indiana because of this policy.

With the permission of our Chairman, I would like to turn the microphone over to Dawn Lietz of the DMV to enumerate the particulars of the bill and answer any questions you may have.

Chairman Atkinson:

We will ask the three witnesses to come forward and make their presentations. Afterwards, we will allow the Committee to ask questions.

**Dawn Lietz, Supervising Auditor II, Motor Carrier Division, Department of Motor
Vehicles:**

[Spoke from prepared testimony ([Exhibit H](#)).]

Companies with vehicles currently registered through the Motor Carrier Division will have the option to apportion and register their entire fleet with the Motor Carrier Division even if the vehicles in the remaining part of their fleet are not over the 26,001 pounds weight rating.

Paul J. Enos, Chief Executive Officer, Nevada Motor Transport Association, Reno, Nevada:

I am here to speak in favor of A.B. 455, and if the fiscal note becomes an issue, I have no problem writing a personal check. We do support this and believe it will provide greater efficiencies for both the Department of Motor Vehicles (DMV) as well as the companies I represent. There are other companies like UPS and Penske which have based their fleets in Indiana because of the self-registration issue. A couple of weeks ago in this Committee Assemblyman Carpenter asked, why do you have companies basing their trucks in other states and not in Nevada? Self-issuance is one of the reasons. This is a small but important step to help these companies come to Nevada. When we talk about job growth and economic development and we see what is happening in our neighboring state to the west, I see a significant amount of opportunity for the State of Nevada to become a logistics and distribution hub. This is a factor which will persuade these companies to move here and to create a better job base. It will be a pilot program, and if we can demonstrate success, there may be other companies willing to take part in this by expanding it to a fleet center. Companies would have to obtain a bond, and they would have to comply with DMV regulations. This will ensure that all the proper controls are in place to avoid fraudulent access to other accounts. We do feel comfortable with the safeguards in place which will protect truck companies from this type of invasion. In summation, we support this bill and would appreciate its speedy passage.

Assemblyman Goicoechea:

A carrier must post a \$25,000 bond, and a service organization must post a \$50,000 bond. Is this correct?

Paul Enos:

Yes, that is correct.

Assemblyman Goicoechea:

Any vehicle can be registered under this program, even if it is under 26,000 pounds, providing a company or individual is enrolled in this program. Is this correct?

Dawn Lietz:

The company would be required to have motor carrier vehicles in their fleet as well. We would not allow companies which only have vehicles under 26,000 pounds and are not apportioned to register or enroll in this program.

Assemblyman Goicoechea:

As long as there was at least one vehicle over 26,000 pounds, then you could register clear down to your van, or even a moped?

Dawn Lietz:

That is correct.

Chairman Atkinson:

Are there any other questions for the witnesses sitting at the table? Is there anyone else in Carson City or Las Vegas who wants to speak in favor of A.B. 455?

Randy J. Brown, Director, Regulatory and Legislative Affairs, AT&T Nevada, Reno, Nevada:

The company I represent maintains a fleet of approximately 500 vehicles in the State of Nevada, and we are extremely supportive of A.B. 455. Some of our vehicles do fit within the Motor Carrier Division and we will be eager to utilize this program once it is available.

Chairman Atkinson:

Are there any questions from the Committee members? Does anyone else want to testify? We will put this on our work session in order to allow all the members the option to vote, since Assemblymen Christensen and Claborn are still out. We will close the hearing on A.B. 455. Is there any public comment? Is there anything else to come before the Committee? We are adjourned [3:02 p.m.].

RESPECTFULLY SUBMITTED:

Marlen Schultz
Committee Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: March 31, 2009

Time of Meeting: 1:34 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 372	C	Rhonda Bavaro	Prepared Testimony.
A.B. 417	D	Richard T. Collins	Pavement Markings, Manual on Uniform traffic Control Devices (MUTCD).
A.B. 441	E	Michael DeLee	Proposed Amendment No.3746, Mock-up.
A.B. 441	F	Michael DeLee	PowerPoint Presentation.
A.B. 441	G	John Sagebiel	Photo of Electric Bicycle.
A.B. 455	H	Dawn Lietz	Prepared Testimony.