AN ACT relating to railroads; prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks; establishing provisions governing the duty hours of yardmasters; requiring a local authority or the Department of Transportation to install traffic-control devices and automated traffic enforcement systems at certain railroad grade crossings; providing civil penalties; establishing provisions governing the issuance of a civil infraction citation based on evidence detected by an automated traffic enforcement system; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes provisions governing the operation of railroads in this State. (Chapter 705 of NRS) Section 1 of this bill: (1) prohibits a railroad doing business in this State from running or allowing to be run on certain railroad tracks a work or freight train that exceeds 7,500 feet in length; and (2) provides that a person who violates this prohibition is liable to the Public Utilities Commission of Nevada for a civil penalty.

Existing law limits the total hours and consecutive hours that certain railroad employees are permitted to be on duty in any 24-hour period. (NRS 705.210) Section 2 of this bill restricts the duty hours which a yardmaster may be required or permitted to work and prohibits a yardmaster from being required or permitted to remain on duty or go on duty if he or she has not had a certain number of consecutive hours off duty.
Existing law prohibits a governmental entity or its agent from using photographic, video or digital equipment to gather evidence in order to issue a traffic citation or civil infraction citation, unless that equipment is: (1) a portable camera or event recording device worn or held by a peace officer; (2) installed within a vehicle or facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity. (NRS 484A.600) Section 5 of this bill provides for an exception to this prohibition, and section 4 of this bill requires a local authority or the Department of Transportation to install and maintain at certain railroad grade crossings where there has been an impact between a motor vehicle and a train or other on-track equipment or a near-miss incident: (1) an official traffic-control device; and (2) an automated traffic enforcement system to enforce the laws governing obedience to such a traffic control device. Section 4 requires a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system to review the evidence of a violation detected by an automatic traffic enforcement system before a citation is issued. Section 4 establishes requirements for the contents and delivery of a civil infraction citation issued based upon evidence collected by an automated traffic enforcement system. Section 4 creates a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system and provides a method for rebutting this presumption. Section 4 provides that a violation detected by an automated traffic enforcement system is not a moving traffic violation. Sections 3, 6 and 7 of this bill make conforming changes to: (1) exclude traffic violations detected by an automated traffic enforcement system from the assessment of demerit points; and (2) provide for the issuance of civil infraction citations for violations detected by an automated traffic enforcement system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 705 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It shall be unlawful for any railroad doing business in this State to run or allow to be run on any part of a main line or branch line a work or freight train that exceeds 7,500 feet in length.

2. Any railroad doing business in this State which violates the provisions of this section is liable to the Public Utilities Commission of Nevada for a penalty of:

   (a) Not less than $5,000 for the first violation;

   (b) Not more than $10,000 for the second violation within 3 years of the first violation; and

   (c) Not more than $25,000 for a third and any subsequent violation within 3 years of the first violation.

3. As used in this section:

   (a) “Branch line” means a secondary railroad track that branches off from a main line.

   (b) “Main line” means:
(1) A segment or route of railroad tracks over which 5,000,000 gross tons or more of freight railroad traffic is transported annually; and

(2) Such other tracks as the Commission may prescribe by regulation.

Sec. 2. NRS 705.210 is hereby amended to read as follows:

705.210 1. As used in this section:

(a) “Employees” means persons actually engaged in or connected with the movement of any train, not including a yardmaster.

(b) “Railroad” includes all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract agreement or lease.

(c) “Yardmaster” means a person who is responsible for supervising and coordinating the control of trains and engines operating within a rail yard, not including a dispatching service employee, signal employee or train employee as those terms are defined in 49 U.S.C. § 21101.

2. The provisions of this section apply to any common carrier or carriers, their officers, agents and employees engaged in the transportation of passengers or property by railroad in the State of Nevada.

3. It is unlawful for any common carrier, its officers or agents, subject to this section, to require or permit any employee subject to this section to be or remain on duty for a longer period than 16 consecutive hours, and whenever any such employee of such common carrier has been continuously on duty for 16 hours the employee must be relieved and not required or permitted again to go on duty until the employee has had at least 10 consecutive hours off duty. No such employee who has been on duty 16 hours in the aggregate in any 24-hour period must be required or permitted to continue or again go on duty without having had at least 8 consecutive hours off duty.

4. No employee who, by the use of the telegraph or telephone or other electrical device, dispatches, reports, transmits, receives or delivers orders or who from towers, offices, places and stations operates signals or switches or similar mechanical devices controlling, pertaining to, or affecting the movement of trains of more than two cars must be required or permitted to be or remain on duty in any 24-hour period for a longer period than 8 hours, which must be wholly within the limits of a continuous shift and upon the completion of that period the employee must not be required or permitted again to go on duty until the expiration of 16 hours. This subsection does not apply to employees who, in case of emergency,
use the telephone to obtain orders or information governing the
movement of trains. In case of emergency, such employees may be
permitted to be and remain on duty for 4 additional hours in a 24-
hour period of not exceeding 3 days in any week.

5. **It is unlawful for any common carrier, its officers or
agents, subject to this section, to require or permit a yardmaster to
be or remain on duty or go again on duty:**
   (a) In any calendar month where the yardmaster has spent a
total of 276 hours on duty, waiting for deadhead transportation or
in deadhead transportation from a duty assignment to the place of
final release, or in any other mandatory service for the carrier;
   (b) For a longer period than 12 consecutive hours;
   (c) Unless that yardmaster has had at least 10 consecutive
hours off duty during the preceding 24 hours; or
   (d) After the yardmaster has initiated an on-duty period each
day for 6 consecutive days, unless that yardmaster has had at least
48 consecutive hours off duty at the yardmaster’s home terminal
during which time the yardmaster is unavailable for any service.

6. Any common carrier, or any officer or agent thereof,
requiring or permitting any employee to go, be or remain on duty in
violation of subsections 3, [and] 4 and 5 shall be punished by a fine
of not more than $500.

[6.] 7. In all prosecutions under this section the common carrier
shall be deemed to have had knowledge of all acts of its officers and
agents.

[7.] 8. The provisions of this section do not apply:
   (a) In any case of casualty or unavoidable accident or the act of
God.
   (b) Where the delay was the result of a cause not known to the
carrier or its officers or agents in charge of such employee at the
time the employee left the terminal and which could not have been
foreseen.
   (c) To the crews of wrecking or relief trains.
   (d) To railroads not maintaining a regular night train schedule.

[8.] 9. The Public Utilities Commission of Nevada shall:
   (a) Execute and enforce the provisions of this section, and all
powers granted by law to the Public Utilities Commission of
Nevada are hereby extended to it in the execution of this section.
   (b) Lodge with the proper district attorneys information of any
violations of this section which may come to its knowledge.

**Sec. 3.** NRS 483.473 is hereby amended to read as follows:
483.473 1. As used in this section, “traffic violation” means
conviction of a moving traffic violation in any municipal court,
justice court or district court in this State or a finding by any
municipal court or justice court in this State that a person has
committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include [a]:

(a) A conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617 [ ]; or

(b) A civil infraction citation issued for a violation detected by an automated traffic enforcement system pursuant to section 4 of this act.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver’s license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense or civil infraction, and if the point values differ, points must be assessed for the offense or civil infraction having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or finding is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

Sec. 4. Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local authority or the Department of Transportation shall install and maintain at each railroad grade crossing under its jurisdiction where there has been, in the immediately preceding 5 years, an impact between a motor vehicle and a train or other on-track equipment or a near-miss incident:

(a) An official traffic-control device described in NRS 484B.307; and

(b) An automated traffic enforcement system to enforce the provisions of NRS 484B.307, and any corresponding traffic regulation.

2. Before a civil infraction citation is issued pursuant to NRS 484A.7033 for a violation of the provisions of NRS 484B.307 or
any corresponding traffic regulation which was detected by an automated traffic enforcement system, the evidence of the violation from the automated traffic enforcement system must be reviewed for accuracy by a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system.

3. A civil infraction citation issued pursuant to NRS 484A.7033 for a violation described in subsection 2 must be sent by the traffic enforcement agency described in subsection 2 by first class mail to the address listed with the Department for the registered owner of the vehicle identified by the automated traffic enforcement system.

4. In addition to the information required pursuant to subsection 1 of NRS 484A.7035, a civil infraction citation issued pursuant to NRS 484A.7033 for a violation described in subsection 2 must include:

(a) The date and time of the violation;
(b) An image taken by the automated traffic enforcement system showing the vehicle involved in the violation or the address of the Internet website on which such an image may be viewed; and
(c) A statement summarizing the provisions of subsection 5.

5. The registered owner of a vehicle is presumed to be the driver of the vehicle at the time of a violation of the provisions of NRS 484B.307 or any corresponding traffic regulation which was detected by an automated traffic enforcement system. Such a presumption may be rebutted if the registered owner of the vehicle presents as evidence at a hearing held pursuant to subsection 3 of NRS 484A.704, an affidavit stating:

(a) The name and address of the person having care, custody and control of the vehicle at the time of the violation; or
(b) That the vehicle was, at the time of the violation, stolen. Such an affidavit must be accompanied by evidence that supports the affidavit, including, without limitation, a police report or an insurance report.

6. The provisions of this section do not prohibit a peace officer from issuing a citation for a violation of any law of this State at the place where an automated traffic enforcement system is installed and in use if the peace officer witnesses a violation. A person who is issued a citation by a peace officer pursuant to this subsection must not be issued a civil infraction citation based on evidence from the automated traffic enforcement system for the same violation for which the peace officer issued the person the citation.
7. A violation of the provisions of NRS 484B.307 for which a civil infraction citation is issued pursuant to NRS 484A.7033 for a violation described in subsection 2:
   (a) Is not a moving traffic violation under NRS 483.473; and
   (b) Is punishable by an administrative fine in an amount set by the local authority, but not less than $50.

8. As used in this section:
   (a) “Automated traffic enforcement system” means a stationary electronic or digital system which creates a photograph or other recorded image of a vehicle which is used as evidence of a violation of a traffic law by the driver of the vehicle.
   (b) “Corresponding traffic regulation” means a traffic regulation enacted by ordinance by a local authority pursuant to NRS 484A.400 that prohibits the same conduct prohibited by NRS 484B.307.
   (c) “Near-miss incident” means an occurrence that could have resulted in an impact between a motor vehicle and a train or other on-track equipment but the impact was prevented.

Sec. 5. NRS 484A.600 is hereby amended to read as follows:

764A.600 Except as otherwise provided in section 4 of this act, a governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation or civil infraction citation pursuant to NRS 484A.7035 for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is a portable camera or event recording device worn or held by a peace officer, the equipment is otherwise installed temporarily or permanently within a vehicle or facility of a law enforcement agency or the equipment is privately owned by a nongovernmental entity.

Sec. 6. NRS 484A.640 is hereby amended to read as follows:

484A.640 1. Except for a citation issued pursuant to NRS 484A.700 or section 4 of this act, whenever a police officer makes an arrest or issues a citation to a person for any violation of chapters 484A to 484E, inclusive, of NRS, the police officer shall record the name as given by that person, the number of the person’s driver’s license and a brief description of the person’s physical appearance. This information must be maintained in a record for offenses kept at the traffic enforcement agency which employs that officer.

2. Whenever a police officer stops a driver of a motor vehicle for any violation of chapters 484A to 484E, inclusive, of NRS and requests information from a traffic enforcement agency concerning that person’s record of prior offenses, the police officer shall compare not only the driver’s name but also the number of his or her driver’s license and physical description with any information
obtained from the agency as a result of the request. If the information received from the agency indicates that the driver’s name is on an outstanding warrant for a prior offense, the officer shall not arrest the driver for that prior offense unless the additional information used for comparison also connects the driver with that prior offense.

Sec. 7. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049, or section 4 of this act, shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued.

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation
and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. This act becomes effective on July 1, 2023.