

ASSEMBLY BILL NO. 456—COMMITTEE
ON GROWTH AND INFRASTRUCTURE

MARCH 27, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to railroads.
(BDR 58-974)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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.



13 Existing law prohibits a governmental entity or its agent from using
14 photographic, video or digital equipment to gather evidence in order to issue a
15 traffic citation or civil infraction citation, unless that equipment is: (1) a portable
16 camera or event recording device worn or held by a peace officer; (2) installed
17 within a vehicle or facility of a law enforcement agency; or (3) privately owned by
18 a nongovernmental entity. (NRS 484A.600) **Section 5** of this bill provides for an
19 exception to this prohibition, and **section 4** of this bill requires a local authority or
20 the Department of Transportation to install and maintain at certain railroad grade
21 crossings where there has been an impact between a motor vehicle and a train or
22 other on-track equipment or a near-miss incident: (1) an official traffic-control
23 device; and (2) an automated traffic enforcement system to enforce the laws
24 governing obedience to such a traffic control device. **Section 4** requires a peace
25 officer of a traffic enforcement agency with jurisdiction over the location of the
26 automated traffic enforcement system to review the evidence of a violation detected
27 by an automatic traffic enforcement system before a citation is issued. **Section 4**
28 establishes requirements for the contents and delivery of a civil infraction citation
29 issued based upon evidence collected by an automated traffic enforcement system.
30 **Section 4** creates a rebuttable presumption that the registered owner of a vehicle is
31 the driver of the vehicle at the time of a violation detected by an automated traffic
32 enforcement system and provides a method for rebutting this presumption. **Section**
33 **4** provides that a violation detected by an automated traffic enforcement system is
34 not a moving traffic violation. **Sections 3, 6 and 7** of this bill make conforming
35 changes to: (1) exclude traffic violations detected by an automated traffic
36 enforcement system from the assessment of demerit points; and (2) provide for the
37 issuance of civil infraction citations for violations detected by an automated traffic
38 enforcement system.

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

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

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

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

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

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

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

15 *3. As used in this section:*

16 *(a) "Branch line" means a secondary railroad track that*
17 *branches off from a main line.*

18 *(b) "Main line" means:*



1 (1) *A segment or route of railroad tracks over which*
2 *5,000,000 gross tons or more of freight railroad traffic is*
3 *transported annually; and*

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

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

7 705.210 1. As used in this section:

8 (a) "Employees" means persons actually engaged in or
9 connected with the movement of any train **[H]**, *not including a*
10 *yardmaster.*

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

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

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

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

35 4. No employee who, by the use of the telegraph or telephone
36 or other electrical device, dispatches, reports, transmits, receives or
37 delivers orders or who from towers, offices, places and stations
38 operates signals or switches or similar mechanical devices
39 controlling, pertaining to, or affecting the movement of trains of
40 more than two cars must be required or permitted to be or remain on
41 duty in any 24-hour period for a longer period than 8 hours, which
42 must be wholly within the limits of a continuous shift and upon the
43 completion of that period the employee must not be required or
44 permitted again to go on duty until the expiration of 16 hours. This
45 subsection does not apply to employees who, in case of emergency,



1 use the telephone to obtain orders or information governing the
2 movement of trains. In case of emergency, such employees may be
3 permitted to be and remain on duty for 4 additional hours in a 24-
4 hour period of not exceeding 3 days in any week.

5 5. *It is unlawful for any common carrier, its officers or*
6 *agents, subject to this section, to require or permit a yardmaster to*
7 *be or remain on duty or go again on duty:*

8 (a) *In any calendar month where the yardmaster has spent a*
9 *total of 276 hours on duty, waiting for deadhead transportation or*
10 *in deadhead transportation from a duty assignment to the place of*
11 *final release, or in any other mandatory service for the carrier;*

12 (b) *For a longer period than 12 consecutive hours;*

13 (c) *Unless that yardmaster has had at least 10 consecutive*
14 *hours off duty during the preceding 24 hours; or*

15 (d) *After the yardmaster has initiated an on-duty period each*
16 *day for 6 consecutive days, unless that yardmaster has had at least*
17 *48 consecutive hours off duty at the yardmaster's home terminal*
18 *during which time the yardmaster is unavailable for any service.*

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

23 ~~6.7~~ 7. In all prosecutions under this section the common carrier
24 shall be deemed to have had knowledge of all acts of its officers and
25 agents.

26 ~~7.8~~ 8. The provisions of this section do not apply:

27 (a) In any case of casualty or unavoidable accident or the act of
28 God.

29 (b) Where the delay was the result of a cause not known to the
30 carrier or its officers or agents in charge of such employee at the
31 time the employee left the terminal and which could not have been
32 foreseen.

33 (c) To the crews of wrecking or relief trains.

34 (d) To railroads not maintaining a regular night train schedule.

35 ~~8.9~~ 9. The Public Utilities Commission of Nevada shall:

36 (a) Execute and enforce the provisions of this section, and all
37 powers granted by law to the Public Utilities Commission of
38 Nevada are hereby extended to it in the execution of this section.

39 (b) Lodge with the proper district attorneys information of any
40 violations of this section which may come to its knowledge.

41 **Sec. 3.** NRS 483.473 is hereby amended to read as follows:

42 483.473 1. As used in this section, "traffic violation" means
43 conviction of a moving traffic violation in any municipal court,
44 justice court or district court in this State or a finding by any
45 municipal court or justice court in this State that a person has



1 committed a civil infraction pursuant to NRS 484A.703 to
2 484A.705, inclusive. The term includes a finding by a juvenile court
3 that a child has violated a traffic law or ordinance other than one
4 governing standing or parking. The term does not include ~~fa~~:

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

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

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

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

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

34 *1. A local authority or the Department of Transportation*
35 *shall install and maintain at each railroad grade crossing under*
36 *its jurisdiction where there has been, in the immediately preceding*
37 *5 years, an impact between a motor vehicle and a train or other*
38 *on-track equipment or a near-miss incident:*

39 (a) *An official traffic-control device described in NRS*
40 *484B.307; and*

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

44 2. *Before a civil infraction citation is issued pursuant to NRS*
45 *484A.7033 for a violation of the provisions of NRS 484B.307 or*



1 *any corresponding traffic regulation which was detected by an*
2 *automated traffic enforcement system, the evidence of the*
3 *violation from the automated traffic enforcement system must be*
4 *reviewed for accuracy by a peace officer of a traffic enforcement*
5 *agency with jurisdiction over the location of the automated traffic*
6 *enforcement system.*

7 3. *A civil infraction citation issued pursuant to NRS*
8 *484A.7033 for a violation described in subsection 2 must be sent*
9 *by the traffic enforcement agency described in subsection 2 by first*
10 *class mail to the address listed with the Department for the*
11 *registered owner of the vehicle identified by the automated traffic*
12 *enforcement system.*

13 4. *In addition to the information required pursuant to*
14 *subsection 1 of NRS 484A.7035, a civil infraction citation issued*
15 *pursuant to NRS 484A.7033 for a violation described in subsection*
16 *2 must include:*

17 (a) *The date and time of the violation;*

18 (b) *An image taken by the automated traffic enforcement*
19 *system showing the vehicle involved in the violation or the address*
20 *of the Internet website on which such an image may be viewed;*
21 *and*

22 (c) *A statement summarizing the provisions of subsection 5.*

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

30 (a) *The name and address of the person having care, custody*
31 *and control of the vehicle at the time of the violation; or*

32 (b) *That the vehicle was, at the time of the violation, stolen.*
33 *Such an affidavit must be accompanied by evidence that supports*
34 *the affidavit, including, without limitation, a police report or an*
35 *insurance report.*

36 6. *The provisions of this section do not prohibit a peace*
37 *officer from issuing a citation for a violation of any law of this*
38 *State at the place where an automated traffic enforcement system*
39 *is installed and in use if the peace officer witnesses a violation. A*
40 *person who is issued a citation by a peace officer pursuant to this*
41 *subsection must not be issued a civil infraction citation based on*
42 *evidence from the automated traffic enforcement system for the*
43 *same violation for which the peace officer issued the person the*
44 *citation.*



1 7. *A violation of the provisions of NRS 484B.307 for which a*
2 *civil infraction citation is issued pursuant to NRS 484A.7033 for a*
3 *violation described in subsection 2:*

4 (a) *Is not a moving traffic violation under NRS 483.473; and*

5 (b) *Is punishable by an administrative fine in an amount set by*
6 *the local authority, but not less than \$50.*

7 8. *As used in this section:*

8 (a) *“Automated traffic enforcement system” means a*
9 *stationary electronic or digital system which creates a photograph*
10 *or other recorded image of a vehicle which is used as evidence of a*
11 *violation of a traffic law by the driver of the vehicle.*

12 (b) *“Corresponding traffic regulation” means a traffic*
13 *regulation enacted by ordinance by a local authority pursuant to*
14 *NRS 484A.400 that prohibits the same conduct prohibited by*
15 *NRS 484B.307.*

16 (c) *“Near-miss incident” means an occurrence that could have*
17 *resulted in an impact between a motor vehicle and a train or other*
18 *on-track equipment but the impact was prevented.*

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

20 484A.600 ~~EA~~ *Except as otherwise provided in section 4 of*
21 *this act, a governmental entity and any agent thereof shall not use*
22 *photographic, video or digital equipment for gathering evidence to*
23 *be used for the issuance of a traffic citation or civil infraction*
24 *citation pursuant to NRS 484A.7035 for a violation of chapters*
25 *484A to 484E, inclusive, of NRS unless the equipment is a portable*
26 *camera or event recording device worn or held by a peace officer,*
27 *the equipment is otherwise installed temporarily or permanently*
28 *within a vehicle or facility of a law enforcement agency or the*
29 *equipment is privately owned by a nongovernmental entity.*

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

31 484A.640 1. Except for a citation issued pursuant to NRS
32 484A.700 ~~H~~ *or section 4 of this act, whenever a police officer*
33 *makes an arrest or issues a citation to a person for any violation of*
34 *chapters 484A to 484E, inclusive, of NRS, the police officer shall*
35 *record the name as given by that person, the number of the person’s*
36 *driver’s license and a brief description of the person’s physical*
37 *appearance. This information must be maintained in a record for*
38 *offenses kept at the traffic enforcement agency which employs that*
39 *officer.*

40 2. Whenever a police officer stops a driver of a motor vehicle
41 for any violation of chapters 484A to 484E, inclusive, of NRS and
42 requests information from a traffic enforcement agency concerning
43 that person’s record of prior offenses, the police officer shall
44 compare not only the driver’s name but also the number of his or her
45 driver’s license and physical description with any information



1 obtained from the agency as a result of the request. If the
2 information received from the agency indicates that the driver's
3 name is on an outstanding warrant for a prior offense, the officer
4 shall not arrest the driver for that prior offense unless the additional
5 information used for comparison also connects the driver with that
6 prior offense.

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

8 484A.704 1. Any person who receives a civil infraction
9 citation pursuant to NRS 484A.7035 or 484A.7049 , *or section 4 of*
10 *this act*, shall respond to the citation as provided in this section not
11 later than 90 calendar days after the date on which the citation is
12 issued.

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

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

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



1 and who fails to respond to the civil infraction citation as required
2 by this section may not appeal an order entered pursuant to this
3 section.

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

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

16 7. If a court has established a system pursuant to NRS
17 484A.615, any person issued a civil infraction citation may, if
18 authorized by the court, use the system to perform any applicable
19 actions pursuant to this section.

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

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

