

Members Present: Chairman Glover
Mr. Howard
Mr. Dini
Mrs. Hayes
Mr. Dreyer
Mr. Jacobsen
Mr. May

Members Absent: None
Guests: (See attached Sheet)

Chairman Glover called the meeting to order at 4:10 p.m. He announced the purpose of the meeting was to try and resolve the problems arising with A.B. 596.

A.B. 596 Provides additional circumstance for permissible passing of stopped school bus.

Jim Lambert, Nevada Highway Patrol, spoke first for the bill. He stated that we have a complex problem of enforcement of this statute and something must be done. He said from the Attorney General's opinion 395 south is still considered a single roadway highway because there is no physical barrier dividing the different directions of traffic, and under the present statute all traffic is required to stop for a school bus unloading children in both directions. He said there is also a problem of rear end accidents because of the moderate high speed zones and the numerous amount of traffic on 395. He said there is also a problem with the Washoe County District Attorney's office because they have interpreted that any painted line constitutes a divider. Consequently, any highway in Nevada would be considered a divided highway because of the painted center line. Lambert said we must do one of three things to solve these problems: 1. correct the language in the present statutes to accommodate the picking up and delivering of school children on the highways; 2. Direct the Dept of Education to discontinue this practice, particularly in the multi-lane express type highways; or 3. provide some safety zone for the school buses to pull out of the traffic to pick up and discharge the passengers. He said as long as this is the statute and they have the opinion from the Attorney General, his dept will enforce this law.

Mr. Dreyer asked if there were any signs posted along the highway indicating school bus stops? Lambert said no there were no specific school bus stop areas designated along the highway. He indicated that part of the solution might be that the Dept of Education have their buses stop at areas not on the main highway but on access roads.

Judge Beemer, Reno Justice Court, was the next speaker. He first requested that Chairman Glover read a letter from Judge Minor who has been handling the traffic court cases for the past 2 yrs. (See attached letter) He also agreed with Judge Minor's statements that children should not be on the busy

395 highway

They should be let off elsewhere. He said he had requested that Larry Hicks do a survey as to the number of children that had to cross the highway on 395 south. It used to be there were three children that had to cross, but now there are none. He said we are developing many hard feelings to out of state residents who get cited for this. He stated again that the only solution is to get the children off the highway.

Richard Davenport, representing the District Attorney of Washoe county was the next speaker. He stated that he has been in the area and with the DA's office just a short time, but just driving from Reno to Carson on his way to testify he said he would ^{not} think he would be required to stop for a school bus if he were going in the opposite direction because the road is so wide on highway 395. He again stated the education dept should do something about getting the buses to stop off the main highway.

Mr. Jacobsen stated that he didn't think we were facing the issue. He said people should be watching the roads, and if they see these children they should think to stop.

Judge Beemer indicated that many many people testifying in his court say they did not see the bus stopped, or if they did, they could not make a safe stop in the time they had, even driving at the normal traffic speed.

Mr. Dreyer and Mr. Jacobsen indicated they could not believe this.

Mr. Jacobsen asked after the highway patrol has issued a citation does the court have the perogative to ignore the citation.

Judge Beemer said his court would not proceed with the citation or fine without a formal complaint from the district attorney's office. He gave a little information of how a person reaches his court. First, one night a week traffic court is held. 300-500 persons are scheduled to attend. Maybe 10-25% of those make an appearance while the others just plea guilty to the citation and pay the fine and sign the appearance waiver. If a person appears and pleas not guilty, the citing officer is notified. The officer must then take the citation to the DA's office and get a trial date set for the offender. Then it is up to the DA whether he will issue on the citation and set a trial date. This is the DA's perogative, and he may just dismiss the case.

Mr. Howard asked how many stops must a school bus make on highway 395 south. Mr. Lambert indicated probably about 10 south bound. Kurt Svare, Washoe Co School District, said many of these stops are on the main highway because there is no other place for the bus to pull off to stop.

Jim Menath, Nev. Dept. Education, said when we start talking about stopping buses off the main highway there are problems with private property rights, insurance, safety factors, etc.

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Bob List, the state Attorney General, spoke next. He gave to the committee a copy of his opinion interpreting this law (see attached) and then explained it to the Committee. He said there is an honest difference of opinion between attorneys, but he felt his was correct. He suggested getting rid of the ambiguous term "separate roadway" and use the term "divided highways".

Mr. Dreyer ask about California. Mr. Lambert said they are constructing concrete dividers but in some places they still have lines. Bill Shewan from the highway dept said double yellow lines in Calif. is not considered a divided highway.

Mr. List stated maybe another impetus for getting this cleared up is the fact that we have been very successful as far as accidents where these left turn lanes exist and maybe sometime this idea will be expanded into other parts of the state. He said there are two reasons why we should require a truly divided highway before allowing uninterrupted traffic in the other direction: 1. If there is no division, a child might come across the road, and 2 there is a chance a vehicle might go out of control and cross the road. He also said there is a varying standard because the center section from Reno to Steamboat is much wider than it is from Steamboat to the Winter's Ranch.

Mr. Jacobsen asked if he felt the Highway Patrol should continue to cite. List answered yes. Jacobsen asked if the State would be liable in case of a child's death or would Washoe Co. under the present conditions. List answered if the Highway Patrol decided to stop issuing citations because the DA would not prosecute, and if a child were hurt or killed, then the State could be held liable.

Mr. Dreyer asked why don't we put signs up on 395 South. List said that would be around 10,000 dollars per location, and the number of signs might increase every year. He said he would rather see the tourists hot and pay a fine, and even have a few rear-end collisions, but let's make the people stop for the school buses. Mr. Dreyer said the money is worth it not to lose a child's life.

Mr. List also stated that he felt the vagueness of the statute has lead the DA to the opposite opinion that he has reached.

Mr. Menath, Nevada State Dept of Education, stated that his dept is trying to eliminate the stoping of school buses as much as possible. He said sometimes the road conditions are such that it is impractical for a bus to pull off the road. Look at all the bad weather problems in that Pleasant Valley area. Sometimes it is just hard for a big bus to enter a highway at a 90 degree angle so the driver can see well, no matter where it pulled off. He said this committee will have to consider the eventual construction of 3 lane roadways with center turning lanes. He stated again, also, that he would like to see the committee work for a National uniform school bus stop law.

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Dick White, Director of transportation, Clark Co school district presented his possible solutions to the problem. (see attached) He said we can not make a law just for one section of highway that would not be compatible with the highways throughout the rest of the state. Discussion was held on one of his ideas of reducing the width of the median strips to make the highway appear more normal in size. Jacobsen asked what is the widest point of the roadway. Mr. Shewan answered 120 - 130 feet. He said it was wide enough to make two parking lanes and still a turn lane.

Mr. Gene Phelps said changing the lines could be done on the highway but it would restrict the ability of the road to carry traffic, and that was the reason the road was made like it is now.

Mr. Howard suggested taking out the wording "separated highway" and inserting "divided highway".

Mr. Glover asked the representative from the Highway Safety office if there were any funds available to use to look into this problem.

Mr. Wayne Tetrault said there was no money that he knew of but possible they could do a long time period study if the committee wanted to wait. He indicated that there might be some money in the highway dept 200 series to be used for placement of some signs.

Miss Debra Sheltra also said she would like to see this statute removed. She would like to see the Dept of Education provide various stops off the main highway to drop off children. She indicated sometimes it is hard to even see a stopped bus if a big truck is passing you or if the weather is bad or if the sun is in the driver's eyes so he can not see well. Then the driver might make too fast a stop and cause a rear-end collision or another to car to start skidding. She said we've got to think of the safety of all drivers and the kids in the cars besides the children in the buses.

As there was no other testimony, Mr. Glover thanked the guests for coming and declared a recess.

After the recess Mr. Howard moved to amend and Pass A.B. 596 and it was seconded by Mr. Dreyer. The motion was unanimous. The amendment would be to delete "separate roadways" line 10 and 11 and insert "divided highway" and to delete any of the new language in italics. Mr. Dreyer also suggested that the Committee write a letter to the Washoe County School District to begin looking for some turnouts off the main highway of 395 South. The meeting was adjourned at 6:00 p.m.

AB 596

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PLEASE PRINT LEGIBLY

Only those persons who have registered below will be permitted to speak. All persons wishing to present testimony will please sign in below, stating their name, who they represent, and whether they wish to speak for or against the matter to be considered by the committee.

Also please sign below if you wish just to observe and listen.

NAME	REPRESENTING	GUEST	WISH TO SPEAK FOR	AGAINST
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J. H. Meneth	Nev. Dept. Educ.			
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Dick White	Clark Co. School Dist			
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MILAN TRESNIT	Carson City School Dist.			
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KURT SVAGE	WASHOE COUNTY SCHOOL DIST.			
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Mr. & Mrs. Gene Bevel	Clark Co.			
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BEEMER, W. R.	Reno Justice Ct.			
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D. Shaltrou	- Self			
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J. L. Fletcher	DMV			
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Jim Lombard	NEVADA HIGHWAY PATROL			
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Richard J. Davenport	Washoe County P.A.'s Office			
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Gene Phelps	Hwy Dept			
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Wayne Tetrauet	Office of Highway Safety			
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Robert Lutz	Attorney General			
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JUSTICE OF THE PEACE

RENO TOWNSHIP
DEPARTMENT 2
WASHOE COUNTY COURT HOUSE
RENO, NEVADA
89505

ADDRESS CORRESPONDENCE TO
P. O. BOX 2173

April 23, 1975

Mr. Alan H. Glover
Assemblyman
230 So. Iris Street
Carson City, Nevada

In re: Passing of School Bus from Opposite Direction on Highway 395 South

Dear Mr. Glover:

Being unable to attend the hearing scheduled for April 24, 1975, at 4:00 p. m., I am submitting this letter for the record.

From a legal standpoint, I am in complete accord with the opinion issued in October 1973 by District Attorney Larry Hicks.

I am of the opinion that the removal of the "islands" on South Virginia (395) several years ago did not change the character of that road from a divided highway to an undivided highway.

For the past two years I have heard practically all traffic citation cases involving citations for violations, and citations involving accidents, relating to the problem of requiring vehicles to stop on the opposite side of this road when a school bus is stopped across this 6-lane highway.

At least six to eight accidents were caused by a vehicle traveling at the legal rate of 45 or 55 MPH (depending upon the area) making a sudden stop to comply with the law and being struck from the rear by one or more vehicles.

I do not believe that any children are presently discharged or picked up under circumstances which require them to cross this highway while the bus sits there with lights flashing. If this is the practice, then I believe good judgment and the safety of the children and the public, demands that the practice be stopped.

Mr. Alan H. Glover

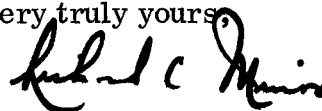
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To permit children to cross this busy highway whether the law required traffic to stop or not, gives no assurance that the motorist can or will be able to stop in time. My sole concern is the safety of the children and the motorists who travel this busy highway.

It is my belief that the present situation is creating more accidents than it prevents, and that the children should not be required under any circumstances to cross this busy highway.

Very truly yours,



RICHARD C. MINOR
Justice of the Peace
Department No. 2

RCM/bf



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
SUPREME COURT BUILDING
CARSON CITY 89701

ROBERT LIST
ATTORNEY GENERAL

March 5, 1974

OPINION NO. 162

Traffic Laws--Driver of motor vehicle approaching a stopped school bus displaying flashing red light must stop his vehicle unless he is traveling on a separate roadway of a divided highway, i.e. one separated by a physical barrier which impedes crossover of traffic. Painted lines on road surface do not create a separate roadway or divided highway.

Mr. Howard Hill, Director
Department of Motor Vehicles
555 Wright Way
Carson City, Nevada 89701

Dear Mr. Hill:

In your letter of December 31, 1973, you requested the opinion of this office on the following:

QUESTIONS

1. What is the meaning of the term "separate roadways" as that term is used in NRS 484.357(2)?
2. Is the driver of a motor vehicle required to bring his vehicle to a complete stop when he is approaching from the opposite direction or otherwise meeting a stopped school bus, which is displaying a flashing red light and is receiving or discharging children, if the roadway upon which the vehicle and school bus are traveling contains a center left turn lane or other painted median?

Mr. Howard Hill, Director
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FACTS

The Nevada Highway Department recently reconstructed Highway U.S. 395 from the Reno city limits to Steamboat, Nevada, by creating a new center lane in this four-lane highway. This new center lane is restricted in use to the making of left turns onto and off U. S. 395. The new center lane replaced what had been a small concrete median strip over which vehicle traffic was not practical.

From Steamboat to the Winter's Ranch area the highway has some left turn storage lanes, an occasional center lane for left turns and various painted medians of varying widths.

As the result of the recent changes in lane configuration on this stretch of U. S. 395, some question has arisen as to the applicability of the Nevada School Bus Stop Law, NRS 484.357.

ANALYSIS

Paragraph 1 of NRS 484.357 requires the driver of any vehicle upon a highway, street or road, when meeting or overtaking, from either direction, any stopped school bus which is displaying flashing red lights and which is receiving or discharging school children to bring his vehicle to a complete stop until the flashing red lights on the school bus cease operation.

Paragraph 2 of the statute contains two (2) exceptions from the stopping requirement, only the first of which is relevant to this opinion:

"The driver of a vehicle upon a highway, street or road with separate roadways need not stop upon meeting or passing a school bus which is upon the other roadway." (emphasis added)

Research by this office has failed to uncover any reported decision interpreting the term "separate roadways". However, the term "separate" has been judicially defined to mean "unconnected or divided from" (Halpin v. Collis Company, 243 F.2d 698, 701 (8th Cir. 1957)) or "distinct, apart from, not united or associated" (Kolb v. Prudential Insurance Company of America, 170 F. Supp. 97, 99 (D.Ky. 1959); Snow v. Powell, 189 F.2d 172, 174 (10th Cir. 1951)).

Mr. Howard Hill, Director
Department of Motor Vehicles
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These definitions of "separate" imply that the "separate roadways" mentioned in NRS 484.357 (2) must be physically apart from one another, distinct and not united or joined in any way. Where traffic lanes are divided one from the other by mere painted lines upon the pavement surface, it is the opinion of this office that the form of physical separation contemplated by the term "separate roadways" is not present.

Rather we believe the term "separate roadways" contemplates a situation involving a "divided highway" as that term is defined in NRS 484.048:

" . . . a highway divided into two or more roadways by means of a physical barrier or dividing section, constructed so as to impede the conflict of vehicular traffic traveling in opposite directions."

This conclusion is supported by an examination of the policy reasons behind enactment of a school bus stop law. The Virginia Supreme Court of Appeals in the case of Carlton v. Martin, 168 S.E. 348 (Va. 1933) describes the policy behind such a statute as follows:

"This section discloses an intent on the part of the General Assembly to provide a safe place for school children in and around standing school buses and to require increased vigilance of automobile drivers while passing a bus discharging or taking on school children. If the statute which expresses that legislative policy is to be given any effect at all, it means that school children, while being discharged or boarding a standing school bus in the highway, have a priority over drivers of automobiles."

"A school bus, while discharging or taking on school children, is a warning of danger to automobile drivers. They are afforded, by its very presence, knowledge that small children may run across the road in front of their approaching automobile"

In addition, NRS 484.357 (2) is in substantial conformity with Section 11-706(d) of the Uniform Vehicle Code. The UVC is a product of the National Committee on Uniform Traffic Laws and Ordinances and is regularly compiled by the National Committee's Director, Edward F. Kearney, Esq.

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Department of Motor Vehicles
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Mr. Kearney in an undated monograph "Rules of the Road", received by the Nevada State Law Library in September 1973, declares at page 16:

"You are not required to stop for a school bus that is on a different roadway of a divided highway."

As Mr. Kearney is draftsman for the Code upon which most of our traffic law is based, we believe his interpretation of Section 11-706(d) of the Uniform Vehicle Code is entitled to great weight in attempting to understand the meaning of the term "separate roadways" as it appears in both the UVC and our own Nevada law.

Any other interpretation of NRS 484.357(2) would tend to emasculate the statute and the protection it is intended to offer to our school children who must get on and off school buses on our busy highways, streets and roads.


CONCLUSIONS

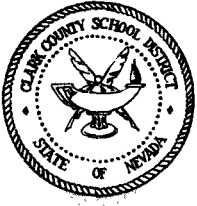
1. The term "separate roadways", as that term is used in the Nevada School Bus Stop Law, is synonymous with the term "divided highway" as defined in NRS 484.048, i.e. two roads separated by a physical barrier or dividing section constructed so as to impede the crossover of vehicular traffic from one roadway to the other.

2. Since mere painted lines on a road surface do not create "separate roadways" or a "divided highway", a driver of any vehicle on a roadway such as that represented by Highway U. S. 395 from the Reno city limits to the Winter's Ranch area must obey the command of NRS 484.357(1) and bring his vehicle to a complete stop, whenever he meets or overtakes, from either direction, any school bus which is stopped for the purpose of receiving or discharging school children and is simultaneously displaying a flashing red light.

Respectfully submitted,

ROBERT LIST
Attorney General

By 
William E. Isaeff
Deputy Attorney General



CLARK COUNTY SCHOOL DISTRICT

LAS VEGAS, NEVADA 89121

2832 EAST FLAMINGO ROAD - TELEPHONE 736-5011

April 23, 1975

BOARD OF SCHOOL TRUSTEES ³¹⁴

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Mrs. Helen C. Cannon, Vice President
Mr. Glen C. Taylor, Clerk
Dr. Clare W. Woodbury, Member
Mrs. B. Bernice Moten, Member
Mrs. Connie Larsen, Member
Dr. Herman Van Betten, Member

The Honorable Chairman
Committee on Transportation
Nevada Legislature
Carson City, Nevada

Dr. Kenny C. Guinn, Superintendent

RE: A.B. 596

Thank you for your letter dated April 18, 1975 in which you gave notice of a hearing on A.B. 596, scheduled for April 24, 1975 at 4:00 p.m.

Since this Bill is of concern to the Clark County School District, I plan to attend the hearing.

At the same time it is my hope that the Committee on Transportation will accept the accompanying rationale in relation to the disadvantages and hazards to students embodied in A.B. 596 as written.

Realizing that it is easy to criticize an effort without being constructive, I am submitting proposed alternatives which the Committee may want to consider as possible solutions to the problem that exists on Route 596 between Reno and Carson City.

A handwritten signature in black ink, appearing to read "R. C. White".

R. C. White
Director of Transportation

RCW/lb
Attach.

Identifying the Problem

015

A section of Highway 395 between Reno and Carson City creates a problem for the reason that the roadway is inordinately wide.

The striped median is also exceptionally wide. These conditions result in a misunderstanding on the part of some motorists, who because of the very wide roadway, get the impression that they are not required to stop when approaching a school bus from the front, which is in the process of loading or unloading students, with the red warning lights of the bus activated.

Possible Solutions for the Committee on Transportation to Consider

1. Because of the uniqueness of this section of road, in that it is excessively wide, and the motorists do not know whether they should stop or not, when meeting a school bus which is picking up or discharging students, apply the following plan.

✓ Install sign along both sides of the roadway at selected intervals, which state "Stop when school buses are loading", or "Stop when school bus red lights flash".

2. Have an "on site" meeting with the Highway Department and the Highway Patrol, to study the problem, and to consider as a possible solution, the restriping of the roadway in the following manner.

Narrow the median to a normal dimension to which motorists are accustomed.

Reduce the width of the travel lanes on both sides of the roadway by:

Painting a continuous white stripe to designate a parking lane next to the shoulder on both sides of the roadway.

This will have the effect of reducing the width of the travel lanes, and give the motorists the impression of a normal highway.

This should eliminate their confusion that now exists due to the excessive highway width and the median width.

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Important Considerations

An isolated roadway problem should not be cause for amending a law that has State-wide implications.

There are many roadway and traffic problems which require special attention--without the need to alter regulations which affect all roadway or traffic conditions.

These special problems should be dealt with in a special way.

Of Special Concern

The present law requiring vehicles to stop when overtaking a school bus or approaching it from the front, when the red lights on the bus are flashing (except where there is a physical barrier in the median), is a very effective law.

This law has worked so well that in all the time students have been transported, not one fatality in, or in close proximity to the bus, has occurred.

With such results in the protection of students, the present law must be close to perfection.

A change in the law, which would leave to the motorist the interpretation of the kind of roadway he is traveling on, and the decision of whether or not to stop when meeting a school bus with flashing red lights, could result in a catastrophe.

There is no way for the bus driver to be sure that the student is not going to dart across the road when he/she alights from the bus.

The present law guards against that possibility, and protects the lives of students.

Assessment of the effectiveness of the present law, in protecting the school children of Nevada, is an empirical evaluation--not just theory.

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