

SENATE TRANSPORTATION COMMITTEE

MINUTES OF MEETING

Wednesday, March 26, 1975

The thirteenth meeting of the Senate Transportation Committee was called to order on Wednesday, March 26, 1975 at 12:15 p.m.

Senator Helen Herr was in the chair.

PRESENT: Chairman Helen Herr
Vice Chairman Warren Monroe
Senator Joe Neal
Senator Richard Blakemore
Senator William Raggio
Senator Jack Schofield
Senator Mary Gojack

OTHER PRESENT WERE: William Burkett, Western Scooter Dist.
John Ciardella, DMV
William Fitzpatrick, DMV
L.V. Fletcher, DMV
Howard Hill, DMV
Orvis Reil, Private Citizen
Wm. Raymond, Highway Department
Grant Bastian, Highway Department
John Crossley, LCB, Audit
John Borda, Highway Safety
John Gianotti, Harrah's Club
James Lambert, Nevada Highway Patrol
Virgil Anderson, AAA
Robert Guinn, NFADA, NMTA
Daryl Capurro, NFADA, NMTA
C. P. Brechler, Regional Street & Highway
Robert Gagnier, SNEA
Sam Palazzolo, SNEA
Les Kofoed, Highway Users Federation

ACTION WAS THEN TAKEN ON THE FOLLOWING BILLS:

Chairman Herr stated that she had a couple of items which the Committee needed to take action on.

She had a new bill to put in which directs the Legislative Commission to study statutes, regulations, relating to regulation to vehicle dealers. (BDR 1271)

Senator Gojack moved to introduce the measure.
Senator Blakemore seconded the motion.
All voted aye except for Senators Herr and Monroe who voted nay.
Motion did not carry.

She then presented a Joint Resolution requested by the Department of Highways dealing with a project we currently have going to add a portion to the east leg of the expressway in Las Vegas to the inter-

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state system, as a spur to widen 15..

Senator Blakemore moved to introduce
 Senator Schofield seconded the motion
 Motion carried unanimously.

Senator Herr announced that she had a total of five bills that still had not been introduced. She asked that unless they were of real importance, because of the bulk of work that still had to be done and the lateness in the Session, we would not introduce them.

Senator Herr then asked Mr. Burkett of Western Scooter Distributors if he had any further testimony regarding SB 174. Mr. Burkett then proceeded with a demonstration of a moped, (motorized bicycle) and gave further testimony as to its safety, speed, milcage, etc.

After further discussion, Senator Monroe stated that he has some amendments to SB 174 which will cover licensing, registration, helmet requirements, and they will also resolve any conflicts which had been received from the Legislative Counsel.

The bill was then held until Senator Monroe could get all the amendments taken care of.

SB 321 Abolishes the Advisory Board to the Board of Directors of the Department of Highways.

Grant Bastian of the Highway Department testified that the Advisory Board had not met since December 8, 1958. They felt that since it apparently was not necessary it should be abolished.

John Crossley of the Legislative Counsel Bureau - Audit Divisison testified that the consensus of the Audit Board was also abolishment of the Advisory Board.

Senator Monroe stated that he was the Chairman of the Advisory Board and as such:

Senator Monroe then moved "DO PASS!"
 Senator Gojack seconded the motion.
 Motion passed unanimously.

SB 322 Imposes statutory 55-mile per hour speed limit.

Grant Bastian of the Highway Department testified as to the purpose of this bill. (See attachment A) Plus he made the following statements.

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SB 322 (Continued)

GRANT BASTIAN: "This bill is of vital concern to the Department. In order to give a little bit of background on how the 55 mile per hour speed limit within the State of Nevada came into being, it was the result of the Emergency Highway Conservation Act signed by President Nixon in January, 1974; primarily to reduce the consumption of the petroleum products on our highways. Included in that legislation was the requirement that any Federal Aid highway project that would be approved, the state would have to have the 55 m.p.h. requirement. So, by Highway Board resolution, on January 16th, this was initiated to become effective March 1, 1974. This resolution was specifically referenced to the Emergency Highway Conservation Act, and we are one of the last three states to adopt the 55 m.p.h. speed limit. Subsequent to that, then, the Federal Aid Highway Act of 1974, which became public law 93-643 was ratified on January 4, 1975, requiring several things that I will get into, but primarily it repealed the Emergency Highway Conservation Act in its entirety, to which our resolution was tied. Now, on March the 21st - this last Friday - Judge Goldman in Clark County ruled, that at least in one instance, the speed limit, as now constituted, is invalid. So, with that, I would like to read an excerpt out of the public law which I referenced to before.

"This is the law which is commonly known as the Federal Aid Highway Act and Highway Amendments of 1974; and it is Public Law 93-643. I want to read from Section 154, dealing with the National maximum speed limit: ""The Secretary of Transportation shall not approve any project under Section 106, in any state, which has 1) a maximum speed limit on any public highway within its jurisdiction in excess of 55 m.p.h. or 2) a speed limit on any other portion of public highway within its jurisdiction which is not uniformly applicable to all types of motor vehicles using such portion of the highway."" I might add that all of the states have adopted legislation to in fact, enforce the 55 mile speed limit. Some of them have tied it back to the energy conservation aspects. All of them to their original intent. Montana is one state that I refer to particular. That law has currently been challenged by the Federal Government and they are in the process of drafting new legislation to adopt a 55 mile speed limit that is not tied directly to the Energy Conservation Act.

The Federal Register of March 6, then, is proposing to promulgate rules and regulations that deal with the implementation of the 55 mile speed limit. They go into great detail, but I would like to, very briefly, outline some of these things. Now, this is found in Federal Register, Page 10418, March 6, 1975, in Section 658.5; the adoption of the maximum National speed limit: ""In order to obtain approval of Federal Aid Projects under 23 U.S. 106, each state shall adopt or maintain maximum speed limits as follows:"" It then outlines the 55 m.p.h. requirement. Then in 658.6, Statement of Compliance: ""Each Governor shall submit to the Federal Highway Administrator, not less than 30 days after issuance of this part, a statement that the

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SB 322 (Continued)

GRANT BASTIAN, continuing to read from the Federal Register.

""state has complied with Section 154."" I just read an excerpt from this section.

Now, to go down to the next section, Section 658.7. They now deal with certification of speed limit enforcement. Again, in order to gain approval of Federal Aid Projects under 23 USC 106 ""The Governor of each state shall certify to the Federal Highway Administration before January 1 of each year, that the state is enforcing the maximum national speed limit of 55 m.p.h. The certification shall consist of the following:"" "Now, it goes through details on how that certification is going to be done. Also, it goes through the criteria of how the Federal Government will monitor the enforcement that is applied within the state.

At least the way we read the law and the way we see it, we really don't have much choice. It isn't something we solicited or we wanted, it is something that is going to be required. In addition to that, I might emphasize, at the ceremony where President Ford was swearing in the new head of the Department of Transportation, Mr. Coleman, and one of the charges given to Mr. Coleman was that he would, in fact, enforce the 55 m.p.h. speed limit. This is really something we are not asking for; as a matter of fact, the Department, acting through its American Association of State Highway Officials, was one of five states that opposed their support of the 55 m.p.h. speed limit. Our primary reason was, that in the Western States, possibly somewhere between 60 and 70 would have been more adaptable to the driving conditions that we have here in the West. But, be that as it may, we currently have a Federal law that I don't feel -- certainly that we as a Department don't have the right to choose whether we will abide by it or not. I seriously doubt whether the State has the right to pick and choose. But, the impact that it will have on us is that there will be no Federal Aid Highway Projects approved without it. That impact would mean that somewhere in the neighborhood of 560 employees within the Department would no longer be needed to administer the Federal Aid Highway Program. We would become an agency, primarily, of maintaining the existing facility.

SENATOR HERR: The only thing I can remember is that we started working on the Highway Safety Program ten years ago. I think at that time the program had 13 points that we had to comply with or we would lose 10% of our highway funds. So, then they changed, and finally they got down to about 9 points. Some of the states never did comply. Each time Nevada has tried to comply with the points required by the Federal Government, and each time they would tell us that here was another point we had to comply with and if we didn't we would lose 10% of our highway funds.

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GRANT BASTIAN: Yes, I agree with what you are saying. At one time we could have ended up owing them 30% more than what they would have given us if we had complied with everything. This, now, you realize, is not a sanction. As we see this, if we do not enforce a 55 m.p.h. speed limit and even if the Federal Highway Administration wanted to go along with the State of Nevada and give them their money, then in would take one individual to bring suit against the Federal Highway Administration and it would stop the program, because the law is very clear in spelling it out -- not only in the law, but in their own regulations. If we don't have a statute on the books that is enforceable, then they won't give us any highway funds.

Speaking personally, I feel that something that has this big an impact on the State of Nevada and the citizens within the State of Nevada, should not be left to administrative action except on an interim basis. I feel that the Legislature needs to ratify administrative actions taken between Sessions, and if that ratification can not be gotten, then I feel that it is not the desire of the State to comply.

SENATOR HERR: We were told we had to comply with all these 13 points. Some of the states -- California, to my knowledge, to this day does not have a helmet law. They stood fast and firm and said they were not going to have one. In several states, they wouldn't go with one point or wouldn't go with another point. Now, the Federal regulations are down to just lights and brakes. So, this is what makes me wonder. Now, what if the Federal Government, within the next two years, finds some other source of oil, or this or that, and then decide we don't have to have the 55 m.p.h. speed limit. Then, we are tied by statute.

GRANT BASTIAN: I agree. I do have an amendment to propose which covers this problem, but before I address it, I would like to answer one of your questions. The idea that the Federal Government never exercising the sanction is a popular one, but some of the criteria that they have put out, it is true they haven't, but in the bill board area where we had a sanction facing us on whether we were going to control out-door advertising, we had that same 10% sanction unless we passed and enforced the Federal criteria. I know, for a fact, that Vermont had a 10% assessed against them; Nebraska, which is the home state of Governor _____, who happens to be the administrator for the Federal Highway Administration, had all of their funds held up for a period of about eight months. Oklahoma had 10% of their funds withheld because they refused to take down the signs on the Will Rogers toll road - a state owned facility; and Kansas had a 10% assessment brought against them. That is beside the point. To get to the amendment that we would propose here today, it would take care of the problem you just mentioned, which I think is a valid one. We would propose adding a section at the end of the existing bill which I believe each of you has a copy. (See Attachment B.)

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GRANT BASTIAN (Continued)

"The Board of Directors of the Department of Highways shall by resolution increase or eliminate the maximum speed limit provided in paragraph (d) above when such action may be taken without forfeiture of this state's eligibility for federal aid to highways." Now, we would propose that type of an amendment to the existing bill as it is presented.

Another comment that I would like to make--this was started to be brought up in the Ways and Means Committee the other morning and the discussion was shut off before I had a chance to respond -- but, currently we have a 55 m.p.h. speed limit within the State. I feel that the Highway Patrol is adequately enforcing that to date; so the idea that we would have to add more patrolmen I really don't feel would be necessary. There might be an increased work load in some areas but I am satisfied that Colonel Lambert can address that.

That is the close of our presentation.

SENATOR HERR: Are there any questions from the committee?

SENATOR MONROE: I appreciate everything you have said Grant, but we have a 55 m.p.h. speed limit enforced within the State and I don't think we need it. I don't think we need any more highways with a 55 m.p.h. speed limit when you could drive over the Ruby Mountain pack track at 45 m.p.h., at least on a motor cycle.

So what do we need with any more highways. Lets save the money and not build any more highways. It seems ridiculous to have a four lane, divided freeway and then expect everyone to go 55 m.p.h. Hell, we could drive 55 m.p.h. when all we had was gravel roads. I went on my honeymoon from Winnemucca to Salt Lake City on old graveled U. S. 40 at 55 m.p.h., so why don't we set the limit at 65 m.p.h. and tell the Government to go chase themselves.

GRANT BASTIAN: Well, thats what we have to decide here today.

SENATOR MONROE: And maybe while were at it, we will tell them we are going to keep the gas tax too. You know, we are all getting ready to celebrate the bi-centennial of the American Revolution which honors our revolutionary forefathers. I think it's about time we got some of that revolutionary spirit in connection with that celebration and start to vote against big brother.

SENATOR HERR: I still go bak to the point that every time we get up here to the Session, we are faced with losing 10% if we don't go along with one thing or another. We seem to always be in the position where they are trying to whip us in to shape -- every session I've ever been up here -- and that's as long as Senator Monroe has been coming to the Sessions. If we had gone along with

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all of those things, we would have sure paid out a lot of money so we've learned to lay low on some of them. I don't know if they would take away the 10% plus as I said before, we would then be tied in. This way we aren't.

SENATOR BLAKEMORE: Grant we are now on a 90% maximum?

GRANT BASTIAN: Yes. The Interstate is 95% and on the ABCD programs we're 90%

SENATOR BLAKEMORE: Then the 10% would be off of that 95%?

GRANT BASTIAN: No. If we don't have a 55 m.p.h. speed limit, there would be no Federal highway projects approved, the way it is written.

SENATOR NEAL: In your opinion, has the 55 m.p.h. speed limit caused a substantial reduction in accidents?

GRANT BASTIAN: In my opinion, yes it has, but Mr. Borda here is a lot more qualified to address that subject.

JOHN BORDA: At this time, on that, we had a 20% reduction in 1974 in fatal accidents and only a 2.3% reduction in the miles traveled in the State last year. I believe that it also indicated that the severity of accidents has reduced tremendously because of the fact that fatal accidents being down 20% and total accidents are down 9% with injury accidents down 10% and injuries 7%. Severity has also decreased tremendously with the 55 m.p.h. speed limit.

SENATOR NEAL: So I gather that we are not talking about the question about big brother looking over our shoulder, we are talking about a safety measure and by putting this into the statutes we will be decreasing deaths and accidents on our highways.

GRANT BASTIAN: Could I make another comment here. I think that the safety aspect is at stake here but also the economy of the State. We are talking about -- in the neighborhood of \$30 million to \$40 million dollars here. I am concerned in this area, especially the construction industry -- of what the impact of this would be. Some of the citizens that rely on that particular industry for a living.

SENATOR GOJACK: How much did you say.

GRANT BASTIAN: This year we hope to obligate approximately \$40 million. We plan to obligate this amount for the next two years also.

SENATOR RAGGIO: Grant, did Judge Goldman render a legal opinion on this?

GRANT BASTIAN: No he didn't. The best information that I could get was that he ruled in this particular case that it was invalid.

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SENATOR RAGGIO: As I understood it, they had not adequately considered the statistical information as a basis for setting the limit. If that is so, then can't the Board do so if they determine the basis for such a limit on statistical information?

GRANT BASTIAN: Included in that legislation there is a requirement on the study. I don't believe it is finite enough to determine if it has to be conducted by the Department or not. Actually there was a speed study conducted by the Federal Highway Administration. It was concluded in October of 1973. Now, there is some question in my mind as to whether that could be used as a basis for establishing a speed limit. But, again, primarily the reason that it was done was because of energy conservation.

SENATOR RAGGIO: I don't believe the Government cares how it is set as long as it is legally set and enforced.

GRANT BASTIAN: The time that it would take to find whether it was legal or not is something I don't think we can determine.

WILLIAM RAYMOND of the Highway Department - Legal: I got another opinion as far as Judge Coldman's decision is that 08245 says that the Highway Department accept the sense of the Federal Highway Law of 1960 with amendments and supplements thereto. Judge Goldman said that back in 1960 we didn't have the energy conservation in mind and since that wasn't the specific intent at that time; that it is faulty in this particular instance.

SENATOR RAGGIO: Then it is your conclusion that it is against the Highway Department setting a speed limit?

WILLIAM RAYMOND: Well, the way our law reads, the Highway Board sets it after studies that the roads are hazardous.

GRANT BASTIAN: Something with this much impact on the State and the citizens, I wonder if though if it should be left to administrative action.

SENATOR HERR: If there are no other questions of these two gentlemen, is there anyone else who would like to testify?

JOHN BORDA: Could I speak for a moment on the life-saving aspect? As a native born Nevadan, I was not happy either when the 55 m.p.h. speed limit was forced upon us. I felt that the 60 to 65 m.p.h. range would have been much more adequate and reasonable. But, I

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once again, do not feel that we have any choice in that matter. I went through statistics and other information that might be pertinent to the 55 m.p.h. speed limit. (SEE ATTACHMENT C) I would like to say to you Senator Herr: The sanctions you have spoken about, and rightly so, no state has been sanctioned for those "dirty dozen" as we called them a couple of years ago. Nevada can be sanctioned on two items: 1) vehicle inspections (and there are two states now being sanctioned.) The Nader group is now suing the Department of Transportation for not sanctioning some states that are not complying with the law.

Senator Herr then asked who else would like to speak.

ROBERT GUINN: I want to say first, Senator Herr, in respect to the problem you had in the past with threats of sanctions and them never having been carried through, opposed to this particular situation that you have two different circumstances. The sanctions that you were talking about were authorized by Congress by delegating the administrative agency the right to make rules and regulations and to establish a National Highway Safety Program and it was never contemplated by Congress that the Department of Transportation in making those rules and setting those 16 points, that every state would come into complete compliance over night. It was recognized that some states had a long way to go, some states didn't have very far to go. So I think that is one of the reasons you haven't seen the sanctions. In respect to the speed limit, we are not dealing with a delegation of authority to an administrative agency, we are dealing with the law passed by Congress. The damage was done when Congress passed it. We protested their making permanent the 55 m.p.h. speed limit. But, when the motion was offered to strike that from the bill, it was defeated by an overwhelming majority. There was strong sentiment within the Congress that this 55 m.p.h. speed limit should be within the administration to be the first to conserve energy and secondly because of the safety aspects. I would quarrel perhaps that all of the safety credit lies with the reduced speed limit but I think that the points Mr. Bastian made is that certification is not made by the Highway Department but is made by the Governor. It requires a submission of the statutes under which our proceedings, it requires speed checks to see if the public is abiding by the law. This is an annual thing. I point out that if you should decide not to do anything, or take some course of action other than what is proposed in this bill, and later somewhere along the line prove that a mistake has been made, we are not, again, talking about 10%, we are talking about the whole package. We are also talking about the Nevada taxpayers who are going to continue to pay those Federal highway taxes whether he gets any Federal Highway aid or not. I would certainly, regardless of this cockeyed Federal regulation, urge you to take favorable action on this bill, particularly with what Mr. Bastian has presented as an amendment, so that in the event there is some change in the Federal situation, the Highway Board will be authorized to make a change.

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CHARLES BRECHLER from the Regional Streets and Highways in Las Vegas then stated that he lent his support to Mr. Bastian and Mr. Guinn that it is necessary to approve this bill, with the amendment.

JAMES LAMBERT, Nevada Highway Patrol: Two things, I passed out to everyone an article from the Readers Digest. (See Attachment D) and to avoid the repetition, I would suggest that every member of the Committee look at the proposed rules and regulations that are now being heard in Washington D. C. and I do this with one intent in mind because the rules and regulations that they are proposing is almost impossible to achieve. This may sound strange coming from me, however, they are reflecting that by 1978 we will have a 90% compliance with the 55 m.p.h. speed limit and I feel this is an unreasonable percentage of compliance if you are enforcing at a 55 m.p.h. because your percentage studies are all set at the 85 percentile. This is where the public, through the years have found unacceptable to any law or regulation that you are trying to enforce. If the Committee does study the proposed rule and regulation, I would think you might want your comments heard in Washington where these rules are finalized. The only other comment I would have to make is in studying the highway patrol fatalities, we find that the contributing factors from 54% of the accidents do list that excessive speed or speed to fast for conditions, 26% are to fast for the conditions and the other 34%, I believe, are attributed to excessive speed.

BOB GAGNIER of the Nevada State Employees Association: I am not going to be repetitious, I would just like to say that with the economic impact that could occur within the State of Nevada if this bill does not pass, we are very much in favor of this because we are confronted with the possible loss of hundreds of jobs both within state jobs and the construction industry. I would think that if the law is not passed and the Federal Government imposes the removal of these funds from the State, we most certainly will be confronted with an emergency special session of Legislature to accomplish what this bill would do now.

VIRGIL ANDERSON OF AAA just made a brief statement that although he wanted to complement the Committee for their revolutionary spirit, he did have to recognize the economic impact on the State if the bill did not pass.

JOHN GIONOTTI, Harrah's Club. I stand in opposition to the bill and the amendment. I am just wondering if, as Nevadans we are going to have our freedom of movement restricted by the threats of the Federal Government. I was happy to listen to Grant Bastian, for whom I have the highest regards for, but in regards to several statements

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which he made, I think it boils down to compliance and speed limit enforcement. I think we can do these things without putting us into this law during this session of the Legislature. Let me just refer-
ence to a National Broadcasting Program which was on last Saturday where Secretary Coleman stated that it would cost some states their share of funds but he also stated that enforcement, compliance, implementation was the only thing necessary from the States. I ask this committee, are we not posting the speed limit at 55, have we not spent a number of dollars redesigning the signs, getting them out and posting them throughout the State; are we not enforcing the 55 m.p.h. speed limit through the Nevada Highway Patrol? All you would have to do is go into the justice courts and you will see they are enforcing the 55 m.p.h. speed limit. Hasn't the Nevada Highway Department by their Board action supported the 55 m.p.h. speed limit by resolution? Why can't they do this again? It seems to me that this should answer the question to compliance. Let them come out with a resolution that we will support the 55 m.p.h. speed limit. Let's not lose this one freedom we have in the State of Nevada. We've lost just about all the others that we have. I would suggest that you take a very close look at it and see if we can't meet those specific items outlined by Grant Bastian today in re-
gards to compliance and enforcement. Are we not doing these things now? I think it boils down to those two things.

SENATOR RAGGIO: Are you saying that you recognize the fact that we have to have it, but we shouldn't do it by statute?

JOHN GIONOTTI: Senator Raggio, I'm recognizing the fact that by testimony today, it was indicated that we were going to lose funds if we didn't comply with this. I accept that because of my respect for Grant Bastian. But it is up to you to determine if that threat was strong enough. I think it was an idle threat. Do the studies that are necessary, and then handle it by another resolution from the Board. I think it could be done that way. Let's let the Highway Department come out with the resolution which would put us in compliance as indicated by the Federal Government. It behooves this Committee to determine if it would be legal for the Board to do that.

SENATOR HERR: I also heard the television program of "Issues and Answers" with Mr. Coleman and I would like to remark that he did say he would like to see each state try to do their part in trying to go along with this speed limit. There was nothing said about state law or penalties.

JOHN GIANOTTI: His comments were extremely flexible.

SENATOR GOJACK: John, don't you think the proposed amendment gets around the problems you outlined. It gives the opportunity to repeal and doesn't run the risk of losing the \$40 million, and the jobs?

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JOHN GIANOTTI: Well, I opposed the amendment basically because I assumed that you would have to go into either a special session or you would have to wait until the next regular session of the Legislature. I think we are stuck with a speed limit for a period of time, but is unbearable, it is not a satisfactory thing, it is very boring speed limit, especially if you have to travel out in to Senator Monroe's area.

ORVIS REIL, private citizen, testified that he had done some testing and that as far as saving fuel, he got his best mileage at 57 to 65 miles per hour. He felt that we should possibly pass a resolution memorializing Congress to make further studies as to the best speed limit before they enforce any limit.

SENATOR HERR felt this might be a good way to bide our time.

MR. FIRTH, private citizen was against the proposal because he felt it was taking away our last right. The Freedom of movement.

LES KOFOED, stated that he was wearing a different hat today and was representing the Highway Users Federation. He stated that he didn't like the 55 m.p.h. speed limit nor the method by which it was enforced upon us but they also disliked more the loss of highway funds.

SENATOR HERR: Stated that the Committee would make a decision on this measure later on.

AB 282 Provides 45-day period within which new Nevada residents must obtain Nevada driver's license as prerequisite to driving motor vehicle in Nevada.

WILLIAM FITZPATRICK, Chief of the Driver's License Division of the Department of Motor Vehicles testified as to the purpose of the bill (See Attachment E).

Senator Monroe moved "DO PASS".
Motion seconded by Senator Schofield
MOTION carried unanimously.

SENATOR HERR: then stated that we should take some action on SB 322.

SENATOR RAGGIO: I would like to say something before you make a motion on SB 322. I would like to be on record with this statement. There is no one on this committee who feels any stronger against the imposition of the 55 m.p.h. speed limit. I oppose it very strongly. I think it is an unreasonable limitation in Nevada. I don't think we have the same situation that exists in other areas of the country. I think it is an unnecessary restriction based upon conditions of safety. On the basis of normally setting speed limits that can't be justified within the State of Nevada. It's a situation that

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drives me crazy when you have to drive across this state at 55 m.p.h. Secondly, there is no one on this Committee that feels any stronger about having to comply with or being forced to comply with a Federal hammer with a threat of Federal economic sanctions. I want to say these things preliminarily because I have strong reservations about being a part of a group which has to set a speed limit for this State. I recognize everything that has been said, the economic impact, the hardship that we would endure, sanctions that would be imposed if we do not pass this measure. I am saying this because if I have to vote on this favorably, I will do so with the greatest of reluctance and I serve notice on the Committee when I do so, but out of respect to the statements that have been made, if anyone on the Committee is thus intending to vote no on this committee because they interpret their vote as a show of independence, then I want them to know that I am going to join them because I feel just as strongly about my independence in this matter. I want to be on record in that regard.

SENATOR MONROE: I would like to say to Senator Raggio that I am going to vote no because I swore I would never vote for a speed limit in this State.


SENATOR NEAL moved "DO PASS WITH AMENDMENTS"
SENATOR GOJACK seconded the motion.
Vote was as follows:

MONROE.....nay
GOJACK.....aye (Due to economic impact)
SCHOFIELD.....nay (Can be done another way)
BLAKEMORE.....nay
NEAL.....aye (Because of safety factor)
RAGGIO.....nay
HERR.....nay


The motion therefore did not pass.

There being no further business the meeting was adjourned.

Respectfully submitted,


Molly M. Torvik, Secretary

APPROVED:



Senator Helen Herr, Chairman

STATE OF NEVADA
DEPARTMENT OF HIGHWAYS

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MEMORANDUM

March 25, 1975

To..... Grant Bastian
..... State Highway Engineer

From..... David B. Small - Legal Researcher - Office of the Chief Counsel

Subject: PROPOSED AMENDMENT TO SENATE BILL NO. 322

The brackets and underlining below reflect changes in existing NRS 484.361, not changes in SB 322.

In my opinion any changes in State law must be initiated by action at the State level. An automatic amendment to Nevada law by Federal legislation is constitutionally improper. The mandatory language (" . . . directors . . . shall . . .") will make reaction by the Board to any relaxation of Federal law automatic.

Proposal: Section 1. NRS 484.361 is hereby amended to read as follows:

484.361 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) [1.] A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway; [or]

(b) [2.] Such a rate of speed as to endanger the life, limb or property of any person; [or]

(c) [3.] A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) A rate of speed greater than 55 miles per hour.

2. The board of directors of the department of highways shall by resolution increase or eliminate the maximum speed limit provided in paragraph (d) above when such action may be taken without forfeiture of this state's eligibility for federal aid to highways.

*John -
Fuel Saving Aspect
Roy*

Want to know why driving seems to get worse and worse? It's those other cars on the road. The 100,000,000 mark was passed last year - but it doesn't include 23,300,000 trucks and buses in there fighting for road space. Traffic is worse in some places than others; 52.2% of the cars are in 20% of the states: California, Texas, New York, Pennsylvania, Ohio, Illinois, Michigan, Florida, New Jersey and North Carolina. At present rates of growth, the car count will be nearing 150,000,000 by 1984.

* * * * *

The 55-m.p.h. limit imposed by the federal government due to the energy shortage is not an arbitrary figure. It is based on the findings of a DOT study of gas consumption in relation to speed. The study showed that a typical 4,000-pound car travels 11.08 miles per gallon at 70 m.p.h., 13.67 miles per gallon at 60 m.p.h., 16.98 miles per gallon at 50 m.p.h., and 14.89 miles per gallon at 40 m.p.h. The study concluded that cars obtain the best gasoline mileage in the range of 50 to 55 m.p.h. and that speeds above and below that range reduce fuel economy.

* * * * *

Inflation is so bad that one supermarket put up a sign reading: "Express lane - \$30 or less."

* * * * *

ACCIDENT SUMMARY 1973-1974

	<u>1973</u>	<u>1974</u>		
Fatal Accidents	234	187	-47	-20%
Fatalities	267	216	-51	-19.1%
Injuries	8,969	8,344	-625	-6.9%
Injury Accidents	6,062	5,429	-633	-10.4%
Property Damage Accidents	18,914	17,321	1,593	-8.4%
Total Accidents	25,210	22,937	-2,273	-9.0%
Vehicles Miles	4,281,000,000	4,184,000,000		-2.3%
Mileage Death Rate	6.24	5.16		17.3%



U.S. DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
WASHINGTON, D.C. 20590

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Borda

FEB 14 1975

IN REPLY REFER TO:

Honorable Mike O'Callaghan
Governor of Nevada
Carson City, Nevada

Dear Gov. O'Callaghan:

Thanks so much again for all your courtesy and time in meeting with me last month. I have been very impressed with the competence and dedication of John Borda and your Highway Safety staff, but your obvious direct support of the program "says it all." My visit with you confirms that we have a sound and determined State-Federal partnership going, and I want to do everything possible to keep it that way.

In that spirit, I want to express my concern about an article appearing last week in a Reno paper which reports on an assemblyman's plan to submit a bill to the Nevada legislature that could seriously erode the impact of the 55 MPH speed limit both in terms of fuel conservation and safety. The newspaper account correctly indicates that the remarkable reduction in highway fatalities during 1974 was not totally the product of reduced speed. We know that reduced travel and other factors accounted for part of the reduction. Nevertheless, we are convinced that a major part of the savings in lives can be credited to lower speeds, and certainly the fuel saved can be well documented, the factor that occasioned the reduced speed limit to begin with.

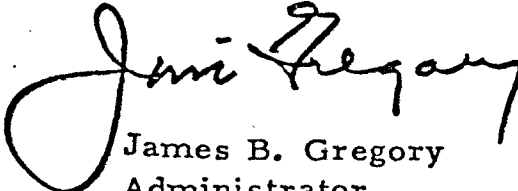
Another safety concern: besides promoting, or at least winking at speeds higher than 55 MPH, this type of bill could lead to much greater variation in highway speeds, with some motorists observing the nominal limit, and others disregarding it altogether. We know from sad experience that such variations are hazardous, both to the fast and to the slow.

As you know, Congress has now converted the original emergency speed limit measures into permanent form and has charged the Department of Transportation with overseeing the States' enforcement of the 55 MPH limit. The legislation provides that a State which fails to certify that it is enforcing the speed limit stands to lose approval of its Federal-aid highway construction projects. If a bill such as that cited in the article were enacted, there could be serious question as to whether or not a State can certify that it is effectively enforcing the national speed limit. We sincerely hope that legislation of this type will not prove attractive to legislatures, in Nevada or elsewhere.

I wanted to bring these concerns of ours to your attention and will appreciate anything you can do to head off what could be a serious situation.

With all best wishes.

Sincerely,


James B. Gregory
Administrator

Proof: 55 m.p.h. Saves Lives

An "unbelievable" drop in the highway death toll shows the U.S. driver that slowing down does pay off

Condensed from U.S. NEWS & WORLD REPORT

LAST YEAR proved beyond doubt that the most effective way to curb slaughter on U.S. highways is to reduce speed. With a nationwide limit of 55 m.p.h. in effect for most of the year, 17 percent fewer people died in traffic accidents during 1974 than in 1973. More than 9600 lives were spared as the number of deaths dropped from 55,800 to 46,200.

Even more impressive is the fact that the death rate—fatalities per 100 million vehicle miles driven—dropped from 4.3 to 3.6. This is a statistic that experts have termed "unbelievable."

A detailed look at the factors that led to big savings in life is provided by an in-depth study by the National Safety Council through the first four months of 1974: Lower driving speeds accounted for nearly half of the 24-percent reduction in fatalities

for that period; the rest came from less traffic, the fact that fewer people rode in the average car (because of a reduction in family travel by auto), less nighttime driving, and such other causes as a tendency for people to travel on safer highways.

Even though the 55-mile-an-hour limit on interstate roads is exceeded by an estimated 80 percent of drivers now, state safety officials report that most traffic is slower than in the past—averaging from 55 to 65 m.p.h. compared with 65 to 75 or more in past years. Traffic engineers say that the lower speed limit has a tendency to keep most cars moving at about the same speed, rather than some traveling much faster than others and thus creating passing hazards. People also are driving more slowly in urban areas. The experts refer to this as a "halo effect," in which lowered speed limits on the open road

are often carried over in reduced speeds in cities and suburbs.

Driving is also reported to be safer for reasons that have nothing to do with the fuel shortage, particularly the safety belts, collapsible steering columns and stronger bumpers that are built into late-model cars. Recent developments in safe highway construction have helped, too. Among these are swing-away sign posts, water and sand "cushions" before fixed columns at bridges and tunnels, and periodic grooved sections in concrete highways that cause vibrations to jolt nodding drivers awake.

Whether enough is being done in this respect is questioned by the Center for Safety in Washington, D.C. In a report issued last December, the center said that as many as 18,000 deaths a year are caused by "road-side booby traps"—such things as misleading road signs, protruding curbs, misplaced utility poles and drop-off shoulders.

Can the trend to safer driving continue in 1975? "Completely unpredictable," says the National Safety Council. It will depend on the supply of gasoline, the amount of driving and, even more, on the amount of responsibility shown by drivers.

Information Booth

BRITISH TV producer Kevin Goldstein-Jackson has been collecting odd bits of information for most of his life. Some of them have now been compiled in *The Leslie Frewin Book of Ridiculous Facts*. What use are these facts? Well, you can use them, if you wish, to make opening comments in conversation. Or, they can be equally effective in stopping conversation cold. Some samples:

- The Finnish word for soap seller, *saippukauppias*, reads the same backward as forward.
- The most difficult English-language tongue twister is supposed to be: "The sixth sick sheik's sixth sheep's sick."
- There are about as many chickens in the United States as there are people in the world.
- An average horse performing average work produces only two thirds of one horsepower. This is because James Watt, the Scottish inventor of the first practical steam engine, deliberately understated the power of his engines when he first devised the term "horsepower" in relation to machines and horses in the 1780s.
- Roy Sullivan of Virginia was struck by lightning in 1942 and lost the nail of a big toe. When lightning struck him again in 1969, he lost his eyebrows; and in 1970, his left shoulder was scared. His hair was set on fire in 1972, when lightning struck him yet again.
- A man in India once grew a mustache 8 feet, 6 inches long.
- There are more reported ghosts per square mile in Britain than in any other country.

—Published by Leslie Frewin, London

A. B. 282SUMMARY

NRS 482.385 PROVIDES THAT WHEN A PERSON, FORMERLY A NON-RESIDENT, BECOMES A RESIDENT OF THIS STATE, HE SHALL, WITHIN 45 DAYS AFTER BECOMING A RESIDENT, APPLY FOR THE REGISTRATION OF ANY VEHICLE WHICH HE OWNS AND WHICH IS OPERATED IN THIS STATE.

NRS 483.245 REQUIRES THAT A NEW RESIDENT OBTAIN A DRIVER LICENSE AS A PREREQUISITE TO DRIVING A MOTOR VEHICLE IN THE STATE OF NEVADA.

A. B. 282 CORRECTS THIS SITUATION BY MAKING THE TIME AT WHICH A NEW RESIDENT MUST OBTAIN A DRIVER LICENSE CORRESPOND WITH THE VEHICLE REGISTRATION REQUIREMENT.

S. B. 321

SENATE BILL NO. 321—COMMITTEE ON TRANSPORTATION**MARCH 10, 1975**

Referred to Committee on Transportation

SUMMARY—Abolishes the advisory board to the board of directors of the department of highways. Fiscal Note: No. (BDR 35-1237)**EXPLANATION**—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the department of highways; repealing a provision which created and prescribed the duties of an advisory board to the board of directors of the department of highways.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. NRS 408.155 is hereby repealed.

S. B. 322

SENATE BILL NO. 322—COMMITTEE
ON TRANSPORTATION

MARCH 10, 1975

Referred to Committee on Transportation

SUMMARY—Imposes statutory 55-mile per hour speed limit.
Fiscal Note: No. (BDR 43-1238)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to traffic laws; imposing a statutory speed limit of 55 miles per hour for operation of vehicles; and providing a penalty.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 484.361 is hereby amended to read as follows:
2 484.361 It is unlawful for any person to drive or operate a vehicle
3 of any kind or character at:
4 1. A rate of speed greater than is reasonable or proper, having due
5 regard for the traffic, surface and width of the highway. [; or]
6 2. Such a rate of speed as to endanger the life, limb or property of
7 any person. [; or]
8 3. A rate of speed greater than that posted by a public authority for
9 the particular portion of highway being traversed.
10 4. *A rate of speed greater than 55 miles per hour.*

ASSEMBLY BILL NO. 282—COMMITTEE ON
TRANSPORTATION

FEBRUARY 14, 1975

Referred to Committee on Transportation

SUMMARY—Provides 45-day period within which new Nevada residents must obtain Nevada driver's license as prerequisite to driving motor vehicle in Nevada. Fiscal Note: No. (BDR 43-945)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to drivers' licenses; providing a 45-day period within which new Nevada residents must obtain a Nevada driver's license as a prerequisite to driving any motor vehicle in Nevada.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 483.245 is hereby amended to read as follows:
2 483.245 1. When a person becomes a resident of Nevada as defined
3 in chapters 482 and 483 of NRS he must, *within 45 days*, obtain a
4 Nevada driver's license as a prerequisite to driving any motor vehicle in
5 the State of Nevada.
6 2. Where a person who applies for a license has a valid driver's
7 license from a state which has requirements for issuance of drivers'
8 licenses comparable to those of the State of Nevada, the department may
9 issue a Nevada license under the same terms and conditions applicable
10 to a renewal of a license in this state.
11 3. In carrying out the provisions of this chapter, the director is
12 authorized to enter into reciprocal agreements with appropriate officials
13 of other states concerning the licensing of drivers of motor vehicles.