

SENATE TRANSPORTATION COMMITTEE

MINUTES OF MEETING

MONDAY, APRIL 14, 1975

The seventeenth meeting of the Senate Transportation Committee was held on Monday, April 14, 1975 at 1:00 p.m. in Room #345 of the Legislative Building.

Senator Helen Herr was in the Chair.

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

ABSENT Senator Joe Neal

ALSO PRESENT WERE: Noel Clark, PSC
James Lien, Tax Commission
Robert Guinn, NMTA
Darryl Capurro, NMTA
Virgil Anderson, AAA
Bernie Smith, AAA
Grant Bastian, Highway Department
Gene Phelps, Highway Department
Mel Beauchamp, Highway Department, Legal
Don Crosby, Highway Department
Howard Hill, DMV
Freddie Little, DMV
Vern Fletcher, DMV
James Lambert, DMV
John Ciardella, DMV
Robert Warren, League of Cities
John Borda, Highway Safety Office
Wayne Tetrault, Highway Safety Office

ACTION WAS THEN TAKEN ON THE FOLLOWING MEASURES:

Chairman Herr asked if the Committee was willing to draft and introduce a measure referring to air pollution within White Pine County and the serious economic problems with Kennecott Copper. Testimony was that although White Pine County did have some pollution problem caused by Kennecott Copper, it certainly was not of a proportion to endanger the area and if Kennecott were not allowed to proceed with their production the economic impact would be very serious to Ely, McGill, Ruth, and the surrounding area.

Senator Schofield moved we draft the bill.
Senator Blakemore seconded the motion
Motion carried unanimously.

Senate Transportation Committee
 Minutes of Meeting
 Monday, April 14, 1975

Page two

Senator Schofield then moved that Chairman Herr introduce the measure as a Committee Resolution, referred to the proper committee. Senator Blakemore seconded the motion. Motion carried unanimously.

SB 488: ENABLES BOARD OF DIRECTORS OF DEPARTMENT OF HIGHWAYS TO ESTABLISH STATEWIDE SPEED LIMIT.

Chairman Herr read telegrams which she had received from the State of Colorado and the Federal Government which said that we did not have to have a 55 mile speed limit set by statute but that this could be accomplished by delegating the authority to an administrative department. She stated that because of this the Committee had had SB 488 drafted and introduced, therefore, insuring that there would be no loss of funds to the Highway Department from the Department of Transportation.
(See attachments)

Grant Bastian of the Highway Department with his chief counsel, Mel Beauchamp, then testified that they were having some problems with this measure for two reasons: 1) A question of whether this was proper delegation of authority, and 2) there was no insurance that the specific officials would use proper discretion in determining speed limits. For these reasons they felt the measure was too broad and that these were areas of exposure to legal action.

Richard Bennett and Thomas Cook of the Legislative Counsel Bureau agreed that the measure was very broad in its delegation of authority.

Senator Raggio stated that we didn't want a statutory speed limit and that he felt this was entirely legal and binding.

Senator Monroe moved that we hold the measure until Wednesday, April 16, 1975, and in the meantime we get an opinion from the Legislative Counsel Bureau.

Senator Schofield seconded the motion
 Motion carried unanimously.

SJR 21

URGES THE UNITED STATES SECRETARY OF TRANSPORTATION TO DESIGNATE TO THE STATE OF NEVADA THE ADDITIONAL MILEAGE NECESSARY TO CONSTRUCT THE INTERSTATE 15 SPUR IN THE LAS VEGAS VALLEY.

After a short discussion and testimony from the Highway Department that this would be the next link to be built

Page three

in the Freeway which will eventually go to Boulder City:

Senator Schofield moved "DO PASS."
Senator Blakemore seconded the motion.
Motion carried unanimously.

SB 473

PROVIDES THAT BOARDS OF COUNTY HIGHWAY COMMISSIONERS ARE
COMPOSED OF MEMBERS OF BOARDS OF COUNTY COMMISSIONERS.

Senator Monroe stated that this measure was just a clarification of the law. There being no opposition:

Senator Monroe moved "DO PASS."
Senator Schofield seconded the motion.
Motion carried unanimously.

SB 120

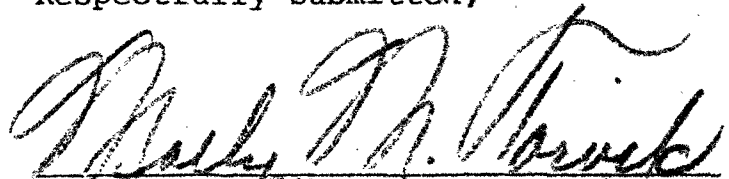
REQUIRES INSTALLATION OF CURB RAMPS ON PUBLIC HIGHWAYS,
ROADS, STREETS AND ALLEYS.

There still seemed to be the need for necessary amendments to this bill regarding fiscal responsibility and curbs being placed only on public buildings, hospitals, etc., and not at each intersection.

The Committee asked Grant Bastian if he would get together with the Rehabilitation Division and return this on Wednesday, April 16th, for Committee action.

There being no further business, the meeting was adjourned until Wednesday, April 16, 1975, at 12:00 Noon.

Respectfully submitted,


Molly M. Torvik, Secretary

APPROVED BY:


Senator Helen Herr, Chairman

REA179(1206)(2-0155312093)PD 04/03/75 1206

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5033342576 TDBN LA JUNTA CO BS 04-03 1205P EST

FMS SENATOR HELEN HERR

CHAIRMAN OF THE TRANSPORTATION COMMITTEE, DLR

401 SOUTH CARSON

CARSON CITY NV 89701

THIS OFFICE HAS BEEN ADVISED BY ASSISTANT SECRETARY CIVIL OF DOT THAT THE INDIVIDUAL STATES BY ADMINISTRATIVE ACTION MAY TAKE WHATEVER STEPS ARE NEEDED TO ENFORCE THE 55 MILE SPEED LIMIT. IT DOES NOT HAVE TO BE LEGISLATED BY LAW. PRIOR TO JANUARY 1 OF EACH YEAR EACH STATE MUST CERTIFY THROUGH ITS CHIEF ADMINISTRATIVE OFFICER THAT IT IS ENFORCING THE SPEED LIMITS ON ALL HIGHWAYS AS REQUIRED BY SECTION 134 TITLE 23 OF THE U.S. CODE. AGAIN THIS DOES NOT REQUIRE LEGISLATIVE ACTION.

NATIONAL HIGHWAY 50 FEDERATION
EDYLE L DAVIDSON EXECUTIVE VICE-PRESIDENT

1975 APR -3 AM 11:09

Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

ROUTINE

TYPE OF MESSAGE

SINGLE

BOOK

MULTI ADDRESS

CLASSIFICATION

STANDARD FORM 14 FEBRUARY 15, 1957
GSA REGULATION 2-11-301 (C)
14-304

THIS BLOCK FOR USE OF COMMUNICATIONS UNIT

TELEGRAPHIC MESSAGE

OFFICIAL BUSINESS
U. S. GOVERNMENT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

THIS COL FOR AGENCY USE

TO: HONORABLE MIKE O'CALLAGHAN
GOVERNOR OF NEVADA
CHAIRMAN OF THE NEVADA HIGHWAY BOARD
STATE CAPITOL BUILDING
CARSON CITY, NEVADA 89701

2 APR 1975

INFO: HONORABLE ROBERT LIST
NEVADA ATTORNEY GENERAL
MEMBER OF THE NEVADA HIGHWAY BOARD
OFFICE OF THE ATTORNEY GENERAL
SUPREME COURT BUILDING
CARSON CITY, NEVADA 89701

INFO: HONORABLE WILSON MC GOWAN
STATE CONTROLLER
MEMBER OF THE NEVADA HIGHWAY BOARD
CAPITOL BUILDING--ROOM 9
CARSON CITY, NEVADA 89701

SECTION 154 OF TITLE 23, U.S.C., NOW REQUIRES, AS CONDITION OF FURTHER FEDERAL-AID HIGHWAY PROJECT APPROVALS, THAT EACH STATE HAVE A MAXIMUM SPEED LIMIT NOT IN EXCESS OF 55 MILES PER HOUR. SECTION 141 OF THAT TITLE LIKEWISE WILL REQUIRE EACH STATE TO CERTIFY ON JANUARY 1 OF EACH YEAR THAT IT IS ENFORCING SUCH LIMITS. WE ARE NOW DEVELOPING REGULATIONS TO IMPLEMENT THESE REQUIREMENTS.

IT HAS BEEN REPORTED THAT, IN CASE NO. 29738, STATE OF NEVADA V. HARRY J. MANGRUM, THE DISTRICT COURT OF CLARK COUNTY HELD INVALID AND UNENFORCEABLE THE 55 MPH SPEED LIMIT IMPOSED BY THE NEVADA HIGHWAY BOARD. PLEASE FURNISH TO THE FEDERAL HIGHWAY

START MESSAGE ADDRESS HERE

DO NOT TYPE MESSAGE BEYOND THIS LINE

PAGE NO. 1 NO. OF PAGES 2

NAME AND TITLE OF ORIGINATOR (Typed)

Hugh T. O'Reilly HCC-20

ORIGINATOR'S TEL. NO.

118-60824

DATE AND TIME PREPARED

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CLASSIFICATION

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TELEGRAPHIC MESSAGE

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MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

THIS COL. FOR AGENCY USE

ADMINISTRATION AS SOON AS POSSIBLE A STATEMENT OF YOUR UNDER-
STANDING OF THE LEGAL EFFECT OF THIS DECISION UNDER NEVADA LAW.
ALSO, PLEASE FURNISH EXPRESSION OF YOUR VIEWS OF THE LEGAL STATUS
OF THE 55 MPH SPEED LIMIT IN NEVADA SHOULD THE LEGISLATURE ADJOURN
WITHOUT HAVING RATIFIED THE PRIOR ADMINISTRATIVE ACTION OF THE
NEVADA HIGHWAY BOARD.

SHOULD IT APPEAR THAT THE 55 MPH SPEED LIMIT IN NEVADA HAS BEEN
JUDICIALLY OVERTURNED, OR HAS EXPIRED BY OPERATION OF LAW, THEN
23 U.S.C. 154 LEAVES THE FEDERAL HIGHWAY ADMINISTRATION WITH NO
DISCRETION BUT TO REQUIRE THE WITHHOLDING OF FURTHER FEDERAL-AID
PROJECT APPROVALS UNDER 23 U.S.C. 106 UNTIL SUCH TIME AS THE
STATE RETURNS TO COMPLIANCE.

J. R. Coupal, Jr.

JOSEPH R. COUPAL, JR.
DEPUTY FEDERAL HIGHWAY ADMINISTRATOR, HA-2
FEDERAL HIGHWAY ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION
HCC-20:HTO'Reilly:pas:60324:3-31-75
REWRITTEN:HCC-20:HTO'Reilly:pas:60324:4-1-75
REVISED:HCC-20/HA-3:HTO'Reilly/TOEdick:4-2-75

Copies to:
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H. T. O'Reilly, 4232
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MCISL Reader, 4232
D.F., 4232
RFHWA F. E. Hawley, Region 9, San Francisco, California (09-00)
Reg. Cst. F. B. Peebles, San Francisco, California (09-00)
Division Engineer, A. E. Stone, Jr., Carson City, Nevada (2) (09-32)

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S. J. R. 21

 SENATE JOINT RESOLUTION NO. 21—
 COMMITTEE ON TRANSPORTATION

APRIL 9, 1975

Referred to Committee on Transportation

SUMMARY—Urges the United States Secretary of Transportation to designate to the State of Nevada the additional mileage necessary to construct the Interstate 15 Spur in the Las Vegas Valley. (BDR 1607)

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

SENATE JOINT RESOLUTION—Urging the United States Secretary of Transportation to designate to the State of Nevada the additional mileage necessary to construct the Interstate 15 Spur in the Las Vegas Valley.

1 WHEREAS, The Las Vegas Valley of Nevada, an area of rapid growth,
 2 is the site of major tourist and industrial developments and the location
 3 of key defense installations; and

4 WHEREAS, The completion of the Interstate 15 Spur is an essential
 5 element in the continued orderly development in the area and an integral
 6 part of existing regional transportation plans; and

7 WHEREAS, The projected construction of the Interstate 15 Spur has
 8 enjoyed the unanimous approval of both state and local public officials
 9 and the overwhelming support of affected citizenry; and

10 WHEREAS, The Interstate 15 Spur, as proposed, meets all criteria set
 11 forth by the Federal Highway Administration, for eligibility to receive
 12 such withdrawn interstate mileage; and

13 WHEREAS, Similar applications in the past for extension of the Inter-
 14 state System in the State of Nevada have never received approval, thus
 15 making this state one of only seven in the contiguous 48 states not having
 16 been authorized at least one extension to the Interstate System; and

17 WHEREAS, The construction of the Interstate 15 Spur will be delayed
 18 indefinitely unless federal funding is provided through approval by the
 19 United States Secretary of Transportation of additional interstate mileage
 20 for the State of Nevada; now, therefore, be it

21 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
 22 That the legislature of the State of Nevada hereby urges the United
 23 States Secretary of Transportation to give the highest priority for approval
 24 of the Interstate 15 Spur as an addition to Nevada's interstate freeway
 25 system; and be it further

THIS EXHIBIT IS 2 PAGES LONG.
 CONTACT THE RESEARCH LIBRARY FOR
 A COPY OF THE COMPLETE EXHIBIT

S. B. 473

SENATE BILL NO. 473—COMMITTEE ON
GOVERNMENT AFFAIRS

APRIL 7, 1975

Referred to Committee on Transportation

SUMMARY—Provides that boards of county highway commissioners are composed of members of boards of county commissioners. Fiscal Note: No. (BDR 35-1623)



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

AN ACT to amend NRS 403.020, relating to boards of county highway commissioners, by providing that membership of the board of highway commissioners of each of the several counties shall consist of the members of the board of county commissioners; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 403.020 is hereby amended to read as follows:
 2 403.020 1. The board of county highway commissioners of each of
 3 the several counties shall [consist of three members, or five members if
 4 the number of county commissioners is five. The board shall] be com-
 5 posed of the regularly elected and qualified county commissioners.
 6 2. Members shall hold office until their successors are duly elected
 7 or appointed, and qualified.
 8 SEC. 2. This act shall become effective upon passage and approval.