

The meeting was called to order at 2:10 p.m. in Room 323 in the Legislative Building.

Senator Blakemore in the Chair.

PRESENT: Senator Richard E. Blakemore, Chairman  
Senator Wilbur Faiss, Vice-Chairman  
Senator Keith Ashworth  
Senator William Hernstadt  
Senator Lawrence Jacobsen  
Senator Clifford McCorkle  
Senator Joe Neal

OTHERS

PRESENT: John F. Cercek, Nevada Highway Department  
Robert F. Guinn, Nevada Motor Transport Association  
H.K. Peterson, Nevada Public Service Commission  
John Ciardella, Department of Motor Vehicles  
Donald Drake, Manager of Deluxe Taxi and Yellow Cab  
J.E. (Jim) Wood, Gray Line Scenic Tours and California-  
Nevada Golden Tours  
Robert Tursic, LTR Stage Line  
Bob Weise, Assemblyman, Assembly District 23  
John Holmes, Jack's Valley Volunteer Fire Department  
Robert W. Ellison, Bently Nevada Corporation  
Kelly Jackson, Department of Energy  
Barton Jacka, Department of Motor Vehicles  
Ronald Jack, City of Las Vegas

AB 222 EXEMPTS ALL EMERGENCY VEHICLES OPERATED BY VOLUNTEER  
FIRE DEPARTMENTS FROM REGISTRATION FEES.

Assemblyman Bob Weise, Assembly District 23, spoke on A.B. 222. He said this bill was a consolidation of measures to exempt volunteer ambulances, senior citizen transportation, certain government agencies and volunteer fire departments from vehicle registration fees. It also removes this exemption from the Nevada Industrial Commission and the F.B.I.

Senator Blakemore asked Mr. Weise what the original thrust of his bill was when he presented it. Mr. Weise said it was originally to exempt volunteer ambulance companies from registration fees.

Chairman Blakemore informed everyone that there is a conflict notice on A.B. 222 and they will not be able to process it, but testimony can be heard on it.

Senator Jacobsen objected to the exemption for the federal government. John Ciardella, Department of Motor Vehicles, said this was for undercover work in the F.B.I. Mr. Weise stated that on page 2, lines 15 and 16, it specifies the F.B.I and N.I.C are not exempt.

John Holmes, Jack's Valley Volunteer Fire Department, spoke in favor of A.B. 222. He said the volunteer ambulance is an essential

part of rural communities and they had been offered an ambulance, if they can maintain it and man it for the growing area in Jack's Valley. He said this bill would be of great help if the ambulance is exempt from license fees.

Barton Jacka, Department of Motor Vehicles, spoke on A.B. 222. He said he did not see where there would be any conflict with private carriers as far as transporting senior citizens or handicapped. He said he felt there have been abuses in the undercover license plate capability which he wants to correct. He noted the bottom of Page 2 where the department shall adopt rules and regulations to govern the conduct of these plates. He said it would be his intention, if this bill were passed, to control the use of the plates. He said this bill would delete the privilege of exempt plates for the F.B.I. and he feels it should be amended to include it.

Senator Ashworth asked Mr. Jacka if the bill should be amended to say vehicles of the city, county or state, if authorized by the department for the purpose of law enforcement, because the bill expressly excepted N.I.C. and the F.B.I. Mr. Jacka agreed.

Senator Blakemore asked Mr. Jacka if it was in the last paragraph of the bill where he intended to use judgment as cases arose since it seems to be an ever changing thing. Mr. Jacka said that by way of explanation, there is a conflict in A.B. 430 which has to do with NRS 482.368 and A.B. 222 can resolve that conflict.

Senator Jacobsen asked about how many plates are utilized now that are undercover. Mr. Ciardella said that there are about 500 plates being used now.

Ronald Jack, City of Las Vegas, spoke on A.B. 222. He said the City of Las Vegas does have a need for undercover plates occasionally and in the law, as it reads now, there are only two cases where they can use them. These are for two arson investigators. However, they do have investigators that are engaged in a number of areas where undercover plates are needed. These areas could be in illegal business practices and fraud. There are also investigators working out of the city attorney's office.

Senator Hernstadt said he would not want to see day to day intrusion on privacy. Mr. Jack said these plates would not be used for spying on private citizens but would be used in the normal investigative functions of a city police force.

Senator Ashworth stated that these plates did not stay on a vehicle forever, but are only used for a specific assignment and are only used for a short period of time.

Senator Hernstadt said he was not worried about the revenue but he was worried about the invasion of privacy that these plates could allow.

Chairman Blakemore closed the hearing on A.B. 222.

S.B. 455 PROVIDES FOR SPECIAL PERMITS TO OPERATE VEHICLES EXCEEDING LEGAL MAXIMUM WIDTH ON HIGHWAYS DURING WEEKENDS AND HOLIDAYS.

John Cercek, Nevada Highway Department, spoke on S.B. 455. He said the Department feels that allowing 10-foot wide vehicles would be a safety hazard in our tourist-oriented state. He said tourist traffic is particularly heavy on weekends and allowing these extra-wide vehicles would only compound an already dangerous situation. He said the addition of two more days of operation and night operation as well would cause these vehicles to be running more on the already substandard shoulders of the highways. He said they feel there might be a problem, since this is an executive authorization, because the present statute already excludes mobile homes and trailer coaches at night, holidays and weekends. They also feel this bill would be out of step with neighboring states.

Senator Blakemore said this bill does not say anything about night operation, it states between sunrise and sunset, daylight hours only. He said that he does not see anything other than allowing the Department to permit extra-wide vehicles moving on weekends and holidays. He said at the present time if someone is out of town with his caterpillar tractor and he works until Friday evening, then he is stuck there and can't get home because a permit cannot be issued to haul his tractor after sunset or on weekends or holidays. Senator Blakemore said that all this bill says is that a permit can be issued to this person so he can get home.

Senator Ashworth said the present law is not reasonable and the bill would allow discretion on the part of the permitting agency.

Senator Blakemore said this would only be for a permitted load and the agency would have control over whether or not a permit would be issued.

Robert Guinn, Nevada Motor Transport Association, spoke on S.B. 455. He said there is no restriction in the present law on issuing permits for 10-wides on Saturday and Sunday, except for mobile homes and trailer coaches. He said the Department now has a set of regulations that have been adopted through administrative procedures that set forth conditions. These regulations say that vehicles cannot be operated under these conditions. He said the problem is in convincing the Department that they ought to amend these regulations, particularly in rural areas, where traffic is lighter on weekends.

Chairman Blakemore said that is why he introduced the bill and closed the hearing on S.B. 455.

S.B. 456 AUTHORIZES PUBLIC SERVICE COMMISSION TO CONSIDER CERTAIN FACTORS WHEN SETTING RATES FOR COMMON MOTOR CARRIERS.

Robert Guinn, Nevada Motor Transport Association, spoke in opposition

to S.B. 456. He said they are opposed to writing into legislation what the Public Service Commission has to consider in rate making. This would be writing in concrete in the law a provision that would give them the authority to consider capital investment which, in effect, would be returned on equity. He said they are having a hassle with PSC now on that concept. Mr. Guinn said that the bill is innocuous since the PSC can already do what the bill says. The Motor Transport Association really objects to putting any specifics into the law in regard to rate making.

Kelly Jackson, Department of Energy, spoke on S.B. 456. He said that to his knowledge this bill is not what it was intended to be and he wanted the record to remain open so the department can submit either written or oral comments.

Chairman Blakemore agreed and closed the hearing on S.B. 456 until further testimony is submitted.

S.B. 462 EXEMPTS EMPLOYER WHO OPERATES VEHICLE FOR TRANSPORTATION OF HIS EMPLOYEES FROM PROVISIONS REGULATING MOTOR CARRIERS AND TAXICABS.

Bob Ellison, Bently Nevada Corporation, spoke on S.B. 462. He said the corporation is interested in setting up a car pool operation for its employees. In doing so, they would like to avoid the business of registering as a taxicab. He said they would like to set the cost of the vans under mechanical maintenance and insurance and ask their employees to set the cost of fuel and tires. He said they are hoping to start off with eight vans which would transport approximately 80 employees. He said that in the past they have encouraged their employees to car pool by giving those that do preferred parking. They would now like to extend that concept. It would not only save on energy but would be a savings to them as well in the fact that employees would be at work on time and it would also cut down on absenteeism.

Senator Neal spoke of companies back east that do this and Mr. Ellison said that 3-M is one of those companies and that is who they are patterning their program after. 3-M charges their employees 4¢ a mile and that is what Bently is planning on doing. They will have one person responsible for a van; it's his to use during the weekends and evenings and he will pick up everybody on his route on working days.

Senator Jacobsen asked Mr. Ellison if they had checked into making sure they can get allocation for the products to run these vans. Mr. Ellison said they are not sure right now, but it's something they are pursuing.

Harold K. Peterson, Nevada Public Service Commission, spoke on S.B. 462. He said the only conflict that van pooling would have would be the regulation by statute and also compensation. He said that some of the other things are workman's compensation laws,

liability of the employer, insurance rates and how they are to be rated, that have to be considered.

Senator Blakemore said he was sure there was a lot of red tape which makes it even more commendable of the company to want to do it.

Mr. Peterson said the PSC was not speaking for nor against the bill. He said the only thing is it should be put together in such a way that someone isn't going into the taxi business. He said there is a landmark in this state that deals with transportation without compensation and if it is incidental to the main business, the PSC would have no jurisdiction over it. He said the compensation is really the only conflict this bill would have with the PSC's existing regulations.

Kelly Jackson, Department of Energy, spoke generally in favor of S.B. 462. He said it appears to them that in order to get van pooling going, it may be reasonable to restrict the van pooling operations solely to employer/employee-related van pooling and to put a limit on the amount that can be charged, which would be limited to the cost of operating a vehicle. On the other hand, there is not going to be any way to protect the existing common carriers from companies going into the motor carrier business.

Mr. Jackson said that there is a likelihood that the U.S. Congress is going to adopt the President's proposed standby plan No. 1, which would allow the U.S. Department of Energy to force weekend closing of service stations if states don't come up with alternative plans which will save energy. He said his agency believes this van pooling bill will be a significant step forward in encouraging employers to get involved in van pooling. Right now, if they did get involved, they would have to carry the entire cost and it's a moral and economic question about whether or not they can carry the cost of the operation. He said it had been estimated that van pooling will save between 75 and 90 percent of motor gasoline that is being used by those employees going to and from work. The Department of Energy thinks this bill represents a positive step forward.

He said there are some things in the bill that need to be clarified, and to avoid possible conflict, they would be happy to work with the motor carrier association in putting together an amended bill which would address their objectives without running into conflict with some of the other agencies. The conflict would be in the last line of the last page, "whether or not the employees pay for the transportation."

Mr. Jackson said there would have to be some language that specifies to and from work only. He said they are looking to putting together a bill that will accomplish their primary objective, which is getting the to and from work situation under control. It is also their understanding that there is considerable objection from the motor carrier industry to the openended nature of the bill at the present time.

Senator Neal asked if it wasn't a fact that the type of problems that we are having in the energy area now would dictate some changes in our life styles. Mr. Jackson said that was true, without a doubt.

Senator Hernstadt asked if language could be set up in this bill allowing the Department of Energy to authorize those van pooling things which are necessary for the energy survival of the state and which are not compatible with the bus and taxi companies.

Mr. Jackson said that would be a positive step but it has already been taken care of by legislation which was authorized by the legislature in the 1977 session.

Senator Faiss asked how this would affect the public carriers; would this tend to drive the motor carriers into bankruptcy and when there were no buses, then everyone would have to drive. Mr. Jackson said that no specific studies have been done in Nevada, but the experience in other states that have van pooling, the common carriers' base has not been eroded.

Jim Wood, Gray Lines Scenic Tours and California-Nevada Golden Tours, spoke in opposition to S.B. 462 as it is presently written. He said the busing industry in the state has not really been what anyone could call a profitable operation seven days a week. The business of transporting passengers in the State of Nevada is an extremely difficult one and at best, the cost can be made up Friday, Saturday and Sunday. He said this bill would open the door to exempting all employers in the state to come into the business of transporting passengers without any jurisdiction, administration, inspection, and without any safety provision of any kind. He thought the legislature has an obligation to put a limitation on the size of the vehicle, provide for identity of the vehicle, determine the radius of operation, insist the vehicles be given a permit by the PSC, provide for a fee and see that the vehicles are properly insured. This bill would turn all of the transportation in the state loose. He said he has some figures regarding transportation of passengers. With the charge of 4¢ a mile as quoted by Mr. Ellison, and Bently's plan on having eight vans and 80 passengers, each person from Reno to Minden will pay approximately \$3.20 a day which would constitute \$256.00 a day. He said these eight vans would run 166,500 miles per year. The commercial bus companies could provide Bently buses that would hold 47 or more people for a lesser figure. He said buses hauling 80 people would use 24 or 25 gallons of fuel a day and eight vans would use more fuel than that.

Mr. Wood said he is extremely interested in seeing that this bill does not become law and opening up the entire State of Nevada to an uncontrolled operation.

Senator Blakemore asked Mr. Wood if he didn't think a better approach would be through the PSC with an exemption clause, so that

an employer could go in and apply for a route and then the PSC could make a determination so that if public transportation was available, they could proceed on that basis. Senator Blakemore did agree that the bill did get a little broad in drafting, which was not intentional.

Bob Tursic, LTR Stage Line, spoke in opposition to S.B. 462. He said that as the bill is written it would hit LTR pretty hard. As an example, LTR in southern Nevada has a contract with the test site between Las Vegas and the test site. He said the contract amounts to approximately \$100,000 a month. If this bill were passed, as written, it would be very likely that they could lose this contract. He said that van pools would cut into charter bus line business and it is the charter business that subsidizes the public bus service.

Senator Blakemore asked Mr. Tursic if the bill approached the PSC area of the statutes with an exemption to allow the van pooling, would this be a better way to handle it. Mr. Tursic said it would. He said if this type of legislation has to go through in some form or another, it would be a better approach because some type of jurisdiction needs to be there. He definitely felt the size of the vehicle should be specified.

Senator Blakemore asked Mr. Peterson of the Public Service Commission, what their feelings are on this bill. Would they be willing to look at something like this; to assist and to work in conjunction with the Department of Energy to try and resolve some of the problems where service transportation is not available and where there would be a benefit to employers and, at the same time, save energy?

Mr. Peterson said he did not think there would be very much van pooling. He said they are exempt now except for the compensation factor. He thought safety and rates should have some type of control, but he didn't know exactly what agency would cover this.

Mr. Ellison said that as far as the safety of the vehicles go, they would meet all of OSHA's standards, the insurance would be covered by an overall policy for the corporation and their insurance underwriters would also demand proper safety factors.

Donald Drake, Manager of Deluxe Taxi and Yellow Cab in the Reno and Sparks area, spoke in opposition to S.B. 462. He said one of the problems they are having now is any business can transport their customers. He stated an example of a person who works at a bank in Reno and lives in Sun Valley. She walks to a pickup point in Sun Valley, gets on a Harold's Club bus, goes to Harold's Club and then walks the rest of the way to work. He feels this is a legitimate cab customer. He said they have no one to whom they can complain and who would police this, and they are losing money. He said he cannot compete with van pooling. Van pooling will not only hurt the cab business, but the city bus system as well.

Mr. Drake said that at the present time they are not allowed to pool their cabs. Senator Blakemore asked Mr. Peterson why they could not pool. Mr. Peterson said that under the existing regulations they have to go under the meted rate and they are able to pool as long as they stay within the meted rates that are on file.

Robert Guinn, Nevada Motor Transport Association, spoke on S.B. 462. He said the bill is too broad and the way it is written, for example, there would be nothing to prevent Lockheed from hauling their employees from Las Vegas to Los Angeles in 60-passenger buses and he felt sure this was not the intention. He said that Noel Clark, formerly of the Public Service Commission, had wanted to make this bill as tight as he could so it would not intrude on the rights of the common and contract carriers. When Mr. Clark saw the bill as it was drafted, he was quite upset with how broad it was. What he actually wanted was letting a company buy an 8 to 12-passenger van, turn it over to one employee to drive to and from work, while distributing and picking up other employees as passengers. Mr. Guinn said he felt that if this bill were restricted to that, it would be very acceptable. He said he thought there should possibly be an application that would involve some sort of a permit which would, at least, have the individual certified without a public hearing or a certificate of convenience and necessity.

Chairman Blakemore closed the hearing on S.B. 462.

Committee Action:

S.B. 456 Hold for further testimony.

A.B. 222 Hold due to conflict notice.

S.B. 455 Senator Ashworth moved that S.B. 455 "Do Pass."

Seconded by Senator Jacobsen.

Motion carried.

Senators Faiss and McCorkle absent for the vote.

There being no further business, the meeting was adjourned at 4:41 p.m.

Respectfully submitted,

  
Jane A. King, Secretary

APPROVED:

  
Richard E. Blakemore, Chairman



SENATE BILL NO. 455—COMMITTEE ON  
TRANSPORTATION

APRIL 11, 1979

Referred to Committee on Transportation

SUMMARY—Provides for special permits to operate vehicles exceeding legal maximum width on highways during weekends and holidays. (BDR 43-1738)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.



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

AN ACT relating to traffic laws; providing for special permits to operate vehicles, or vehicles with loads, exceeding legal maximum width on highways during weekends and holidays; 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 484.759 is hereby amended to read as follows:  
2 484.759 1. As used in this section "special mobile equipment"  
3 means a vehicle, not self-propelled, not designed or used primarily for  
4 the transportation of persons or property, and only incidentally operated  
5 or moved over a highway, excepting implements of husbandry.  
6 2. The department of highways with respect to highways under its  
7 jurisdiction and governing bodies of cities and counties with respect to  
8 roads under their jurisdiction may, [in their discretion,] upon applica-  
9 tion in writing, authorize the applicant to operate or move a vehicle,  
10 combination of vehicles, special mobile equipment, or load thereon of a  
11 size or weight exceeding the legal maximum, or to use corrugations on  
12 the periphery of the movable tracks on a traction engine or tractor, the  
13 propulsive power of which is not exerted through wheels resting on the  
14 roadway but by means of a flexible band or chain, or, under emergency  
15 conditions, to operate or move a type of vehicle otherwise prohibited  
16 by law, upon any highway under the jurisdiction of [such] the depart-  
17 ment or governing body granting such a permit.  
18 3. Except as otherwise provided in this section, the legal maximum  
19 width of any vehicle, combination of vehicles, special mobile equipment,  
20 or load thereon [shall not exceed] is 96 inches.  
21 4. If a vehicle is equipped with pneumatic tires, the maximum width  
22 from the outside of one wheel and tire to the outside of the opposite  
23 outer wheel and tire [shall] *must* not exceed 102 inches, [but in such