

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Third Session
May 3, 2005**

The Committee on Transportation was called to order at 1:42 p.m., on Tuesday, May 3, 2005. Chairman John Ocegüera presided in Room 3143 of the Legislative Building, Carson City, Nevada, and via simultaneous videoconference, in Room 4406 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. John Ocegüera, Chairman
Ms. Genie Ohrenschall, Vice Chairwoman
Mr. Kelvin Atkinson
Mr. John Carpenter
Mr. Chad Christensen
Mr. Jerry Claborn
Ms. Susan Gerhardt
Mr. Pete Goicoechea
Mr. Joseph Hogan
Mr. Mark Manendo
Mr. Rod Sherer

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Bonnie Parnell, Assembly District No. 40, Washoe County (part)

STAFF MEMBERS PRESENT:

Marji Paslov-Thomas, Committee Policy Analyst
Angela Flores, Committee Manager
Linda Ronnow, Committee Attaché

OTHERS PRESENT:

Riana Durrett, UNLV Intern for Senator Schneider

Martha Barnes, Administrator, Central Services and Records Division,
Nevada Department of Motor Vehicles

Chuck Saulisberry, Owner, Chuck Saulisberry Air Transportation,
Carson City, Nevada

Mike Alastuey, Legislative Advocate, representing Clark County, Nevada

Gary Wolff, Business Agent, Teamsters Local 14, Las Vegas, Nevada

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs'
Association, Las Vegas, Nevada

Ron Cuzze, Captain, Government Affairs Officer, Nevada Wing of the
Civil Air Patrol, United States Air Force Auxiliary, Las Vegas,
Nevada

Tom Greco, President, Truckee Meadows Branch, American Society of
Civil Engineers, Reno, Nevada

Chairman Ocegueda:

[Meeting called to order. Roll called.]

I will open the hearing on S. B. 269.

**Senate Bill 269 (1st Reprint): Revises provisions relating to parking spaces for
handicapped persons. (BDR 43-1272)**

Riana Durrett, UNLV Intern for Senator Schneider:

[Read from Exhibit B]

I am here to testify on behalf of Senator Beers, and co-sponsor
Senator Schneider on S.B. 269. This bill would revise provisions
relating to parking spaces for handicapped persons.

The bill seeks to revise current statutes by requiring the issuance of
a letter of verification to persons who qualify for a handicapped
parking placard. The letter must include the name and address of
the person it belongs to and must be kept within the car or on the
person. The bill would raise the minimum fine for violations from
\$100 to \$250. The bill would allow a law enforcement agency that
issues a citation for violation to collect 40 percent, or \$100 of the
penalty fee, whichever is less.

[Riana Durrett, continued.] Many constituents, parking enforcements agents, public safety employees, and disabled persons have noted and complained about the frequency of handicapped parking stalls being filled with people who don't need to use them. It is relatively easy for a person to simply borrow a disabled family member's parking placard and hang it in their own vehicle. I go to UNLV [University of Nevada, Las Vegas], and I know quite a few students who do this, and even friends feel comfortable with this for some reason.

Often you see young, physically able-bodied students filling handicapped parking stalls. Tad McDowell, the manager of the Public Safety office at UNLV, reports that frequently all of the handicapped parking stalls are filled, and many are occupied by people who probably don't need to use them. They are using a family member's parking permit. He also said that when special plate checks are done, usually numerous placards are found to be fraudulently used. These checks aren't done often enough, and it is difficult and problematic to cite people based on appearance alone, on a daily basis. If a citation is given to someone who is handicapped, they have to go to the Public Safety office to prove that they are the rightful owner of the placard. This bill would address this problem, because if people who have handicapped parking placards also have a letter that is issued to them from the DMV [Department of Motor Vehicles], they can simply show it to the law enforcement agent, proving that they are the rightful owner of the handicapped parking permit. It will avoid the problem of giving a ticket to somebody who is actually disabled, but didn't appear to be.

UNLV is one of the only places that actually monitor handicap parking spaces. I talked to somebody at the Community College at Southern Nevada, and many private businesses don't check this, because currently you need to go through the DMV to find out if somebody is frequently using one of these parking permits. This bill would make it easy to check; a law enforcement agent could just ask for the letter.

Martha Barnes, Administrator, Central Services and Records Division, Nevada Department of Motor Vehicles.

There is a fiscal note attached to S.B. 269 in the amount of \$19,256 in FY2006 for supplies and programming, and \$5,393 in FY2007 for supplies. The Department of Motor Vehicles requests Section 1 of this bill be effective

October 1, 2005, in order to allow time to complete the programming required to implement this letter.

Assemblyman Claborn:

Can you only have two placards?

Martha Barnes:

Yes, that is correct. That is the way the law is written right now.

Assemblyman Claborn:

You can have one license plate, and two placards.

Martha Barnes:

I believe you can have one license plate and one placard, but I would have to verify that.

Assemblyman Claborn:

What if you have three vehicles?

Martha Barnes:

I think that would be a change that this Committee can make.

Assemblyman Manendo:

Could we have staff look into where the fines currently go? Law enforcement would be getting \$100 of the fine. Why would they be getting that money? I think if we are going to earmark the money, then I would like to see it specifically going to the volunteer handicap parking program.

Riana Durrett:

The reason it's going to go to the collection agency is to incentivize them to monitor this, because it's problematic for them. A lot of places don't have the time or the resources. If they get to keep 40 percent of it, they might be more inclined to check.

Chairman Ocegüera:

We will close the hearing on S.B. 269.

We will open the hearing on S.B. 307.

Senate Bill 307 (1st Reprint): Requires local assessment of unscheduled air transport companies that only use three or fewer small planes. (BDR 32-1289)

Assemblywoman Bonnie Parnell, Assembly District No. 40, Washoe County (part):

I am an Assemblyperson who cares about constituents, and to the left of me is Chuck Saulisberry. Chuck contacted me about 6 years ago with an issue of flying his small airplane over numerous counties, and having to calculate how long he was flying his small airplane over each county, so that when the taxes were collected the counties that he flew over would get a portion of that total flight time. This sounded to me to be ridiculous.

Senator McGinness was kind enough to take this bill on. It started in the Senate Committee on Taxation, and it's been amended, and was passed out of both Committees on the Senate side. The text of the bill is on page 3, line 33. What it does is remove the smaller, unscheduled airtransport companies, such as airplanes from this formula of allocation. The Tax Commission now comes up with that formula, and this would relieve the very small carriers from having to operate under this complex formula that is currently in existence.

Chuck Saulisberry, Owner, Chuck Saulisberry Air Transportation, Carson City, Nevada:

I'm a Part 135 operator [Part 135 under the Federal Aviation Regulations] here in Carson City. I fly all over the state and I am a single pilot operation. The words in the old and the new legislation are "unscheduled air-transport." That covers myself and people like me. The proposed new legislation is to limit it to 3 aircraft or less, thus exempting us from the regulation. I don't object to the taxation. I do object to having to keep track of the time. I fly across each and every county. If you fly 150 to 200 flights per year, you have to log those flights, and then try to figure out how much time you actually spent in each county; it becomes a wild guess. If you are working for a client who has hired you for cattle, or to look for water holes, or aerial photography, or fire-reconnaissance, which I do, it's impossible. If we could change the legislation for people who actually do that kind of flying, it would save a tremendous amount of paperwork.

Mike Alastuey, Legislative Advocate, representing Clark County, Nevada:

We are not here in opposition to this bill today. We understand the desire to reduce the paperwork on behalf of the small operators, and certainly bring some merit to the bill. We know that the process of accounting can be burdensome to the small operators, particularly to those which operate within the state. We did

hear, within the last 24 hours, some concerns from the Clark County Assessor's Office. We believe that some of those concerns have been resolved, and we would like to work with them over the next few days to see if they can all be resolved, and then report back to you. If there are any unresolved issues within the next few days, we will report back to you in writing. Within the next couple of days, we would like to work with the supporters of the bill and the assessors and get back with any unresolved issues so you can make a fully informed decision. The bill does bring a meritorious purpose to it, and we are going to try to resolve any of those unresolved issues.

Chairman Ocegüera:

Are you going to be talking to all of the counties? I am looking at the fiscal note, and I don't have any problem with the bill, but I see most of the counties didn't report back. White Pine County said they would have a \$5,000 impact, which might be a lot in White Pine County, but most of them say there would be no impact. One of them says it's been working fine. We need to get that information so that we know.

Mike Alastuey:

There may be some impact, but I don't think the county assessor is trying to throw out any unnecessary barriers to this, and we are going to try to get this worked out.

Chairman Ocegüera:

We will close the hearing on S.B. 307.

We will open the hearing on S.B. 481.

**Senate Bill 481 (1st Reprint): Makes various changes relating to Civil Air Patrol.
(BDR 32-1348)**

Gary Wolff, Business Agent, Teamsters Local 14, Las Vegas, Nevada:

I represent 12 law enforcement agencies in the state, and I am here as a friend of the Civil Air Patrol in the south. I attended a function about 8 months ago with the Civil Air Patrol, and I know about the good things the Civil Air Patrol does. They help the homeless, they fly over fires, and they do a lot of good. It's a wonderful organization. They have a huge children's program, and to see these kids, how well behaved they are, and the structural environment that they are in, is refreshing in this day and age.

[Gary Wolff, continued.] I attended a Sheriffs' and Chiefs' meeting, and one of the sheriffs told me that if it wasn't for the Civil Air Patrol, they would have a huge problem mapping their own counties. I urge your support for S.B. 481.

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association, Las Vegas, Nevada:

We are here to speak in favor of this bill. Removing the cap would provide them with the needed resources to do the program, and also expand their programs in security and narcotic enforcement support. Working in Nevada law enforcement, we have used the Civil Air Patrol in many situations and they have always been there for us. I know the sheriffs in the rural counties have depended greatly on their skills in search and rescue and in other areas. We support this bill.

Ron Cuzze, Captain, Government Affairs Officer, Nevada Wing of the Civil Air Patrol, United States Air Force Auxiliary, Las Vegas, Nevada:

We brought this bill to Senator McGinness, who was kind enough to introduce it for us. It has two basic changes to it. After 9/11 [September 11, 2001], the Civil Air Patrol took on some new missions. One of which is homeland security, or homeland defense, and now we are also taking an active roll in narcotics interdiction. Our Commander-in-Chief has declared that narcoterrorism, which means terrorists are making money by the sales of narcotics in the United States to support their terrorist activities. Two of our missions are to stop narcoterrorism, and aid in homeland defense.

On page 2, line 36 of the bill, to keep in conjunction with our missions with the United States Air Force, the Department of Homeland Security, and Drug Administration, we are adding the words, "homeland defense, and narcotic interdiction missions." The second part of the bill addresses our funding. We were getting less than \$50,000 or \$60,000 per year. With the expansion of our missions also comes the expansion of training, administrative costs, and things of that nature. Almost all of our missions are paid for by the United States Air Force or other federal jurisdictions. This money goes for various administrative and training programs. We believe that this will do a lot for the state of Nevada.

The Civil Air Patrol understands that Nevada has become a desirable target for terrorists, Las Vegas in particular. We are trying to get mobile detection systems that we can put in our aircraft so that we can fly in any city to detect dirty bombs, then we can report back to the local law enforcement agencies or other agencies that are on the ground. We are hoping to expand our missions to support the state wherever and whenever we can.

Assemblyman Goicoechea:

With the expansion of these missions, would that also expand your ability to recover costs, or be compensated for your role in homeland defense and narcotics?

Ron Cuzze:

Yes sir, that is correct. Once we do a certain type of mission two or three times, the Air Force will automatically fund us. What the Air Force doesn't fund are things like fuel, the training to teach our pilots how to use these new devices, and things of that nature.

Assemblyman Goicoechea:

As I look at the bill, I don't see any appropriation or funding, other than the original \$130,000 that comes out of the tax on aviation fuel, which already exists in statute.

Ron Cuzze:

It used to read, "a sum not to exceed \$130,000." Originally it said "or the lesser amount." What Senator McGinness has done is cross out the words "a sum not to exceed \$130,000" and has replaced it with, "The total amount remaining in the account for taxes on aviation fuel." We don't know what that means, we don't know how much that is going to net us. We won't know until a couple of months after we start receiving it.

Chairman Ocegüera:

I will close the hearing on S.B. 481.

In response to our letter to the Union Pacific Railroad Company, we received a reply. [Read from letter]

Dear Honorable John Ocegüera, I wanted to reply to your letter of April 14, 2005 with respect to Assembly Bill 140, which makes it unlawful for an officer, manager, employer or agent of a railroad to harass or intimidate another employee with the intent to discourage or prevent the person from reporting railroad accidents, safety violations or injuries, conceal or destroy evidence with the intent to hinder or prevent investigations concerning railroad accidents, safety violations, and injuries, or retaliate in any way against another person for reporting railroad accidents, safety violations, or injuries.

I want to thank you and your Committee for the careful and thoughtful consideration of this legislation, and the ultimate decision not to further process this measure. I also want to

reiterate the testimony of Mr. Guild, Mr. Schafer, and myself to sincerely apologize to our employees, if indeed the anecdotal examples that they testified to before the Committee were accurate. As I also said, it is not the policy of Union Pacific Railroad to deny medical assistance, harass our employees, or conceal medical information from the proper authorities. This is against the current federal law, and would be punishable by fine and penalty. Furthermore, Mr. Dennis Duffy, our top operating officer for the company, has declared that this is not the policy of our company, and has subsequently informed our managers in the document we presented to the Assembly Transportation Committee during our testimony.

[Chairman Oceguera, continued.] As further determination of our convictions, I am sending this letter and your letter of April 14, 2005, to Mr. Tom Jacob, Vice President of Western Region, and Mr. Duffy, the Executive Vice President of Operations for our railroad.

Again, I want to thank you and the Assembly Transportation Committee for your patience and thoughtfulness in this very difficult issue. Wayne Horiuchi.

He copied the letter to Assemblyman Anderson, The Public Utilities Commission, Union Pacific Railroad Executives, Engineers, Jack Fetters from United Transportation Union, Joe Guild, and Mr. Carter from the former Brotherhood of Locomotive Engineers.

I wanted this Committee to know that we received a response on that issue.

I have a request today from Mr. Tom Greco, who will make some public comments on the report card for America's Infrastructure.

Tom Greco, President, Truckee Meadows Branch American Society of Civil Engineers, Reno, Nevada:

I would like to share with you this year's report card on Nevada's infrastructure ([Exhibit C](#)). If you open it and look at the grades in the various categories, they average out to a "D." This is a nationwide grading: Nevada is more specifically addressed in the letter that I have given you ([Exhibit D](#)). Infrastructure grading is based on three areas:

- The present structure; how the operation and maintenance is going. In Nevada that is going rather well. Nothing is old enough to be an issue.

- The effectiveness of growth and development in meeting new capacity. We are really suffering in that arena with the unprecedented growth rates being much larger than most of the states.
- The planning and funding of new facilities and new infrastructure. I would urge your support even in areas where Nevada is doing well with the growth rates. With the future maintenance we need to start that program now.

Chairman Ocegüera:

We had a couple of issues identified in the last few days in regard to a Veterans' license plate. We are probably going to reconsider one of the bills, but I haven't talked to the author of that bill yet.

Meeting adjourned [at 2:13 p.m.].

RESPECTFULLY SUBMITTED:

Linda Ronnow
Committee Attaché

APPROVED BY:

Assemblyman John Ocegüera, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: May 3, 2005

Time of Meeting: 1:42 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
S.B. 269	B	Riana Durrett, UNLV Intern for Senator Schneider	Testimony (3 pages)
	C	Tom Greco / American Society of Civil Engineers.	2005 Report Card for America's Infrastructure
	D	Tom Greco / American Society of Civil Engineers.	Nevada Grading of Infrastructure.