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Office of the Governor

June 1, 2023

The Honorable Steve Yeager
Speaker of the Nevada State Assembly
Nevada Legislature
401 South Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 456 of the 82nd Legislative Session

Dear Speaker Yeager:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 456 ("AB 456"), which is titled as follows:

> AN ACT relating to railroads; establishing requirements for the installation and operation of wayside detector systems; requiring a stopped train or other equipment to be cut, separated or moved to clear a railroad grade crossing upon the approach of an emergency vehicle; providing a civil penalty; prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks; and providing other matters properly relating thereto.

AB 456 is presumably intended to decrease the likelihood of catastrophic train accidents like the one that began in East Palestine, Ohio in February this year. Our State's goal is certainly to have no similar accident occur here. The bill provides that no commercial train's operational length may exceed 7,500 feet in the state of Nevada. Aside from being another policy overreach from the Legislature, it is also far from certain the constitutionality of AB 465 would be upheld in Court. Supreme Court precedent dating back to 1945 demonstrates the Court's firm opposition to laws that affect interstate commerce where the state interest is outweighed by the nation's interest "in an adequate, economical and efficient railway transportation service, which must prevail." *Southern Pacific Co. v. Arizona*, 325 U.S. 761, 783-84 (1945).

Though mostly well-intended, since this bill's prohibition on commercial trains greater in length than 7,500 feet is unlikely to withstand litigation, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.
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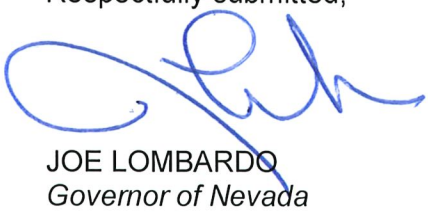
Respectfully submitted,



JOE LOMBARDO
Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Francisco Aguilar, Secretary of State (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)