

SENATE BILL NO. 168—SENATOR SCHNEIDER

FEBRUARY 11, 1999

JOINT SPONSOR: ASSEMBLYWOMAN BUCKLEY

Referred to Committee on Transportation

SUMMARY—Revises provisions governing closure of highways, bridges, roads and streets for construction, maintenance or repair in certain counties. (BDR 35-1241)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to highways; prohibiting, under certain circumstances, the closure of highways, roads, streets or bridges for construction, maintenance or repair in certain counties; requiring a contract that is made or awarded by the department of transportation for the construction, improvement, maintenance or repair of a highway to include a provision for the payment of an additional amount of money if the construction, improvement, maintenance or repair is completed before a certain date; 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.** Chapter 403 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 *During the period from December 1 to January 2, inclusive, a board of*
4 *county highway commissioners, a board of road commissioners or a*
5 *county road supervisor in a county whose population is 100,000 or more*
6 *shall not close a public highway, road or bridge to construct, maintain or*
7 *repair that highway, road or bridge unless the closure is necessary to*
8 *protect:*
9 1. *The public; or*
10 2. *The highway, road or bridge from damage during a storm.*

1 **Sec. 2.** NRS 403.090 is hereby amended to read as follows:
2 403.090 ~~{The}~~ **Except as otherwise provided in section 1 of this act,**
3 **the** board of county highway commissioners ~~{shall have}~~ **has** exclusive
4 control of all matters ~~{pertaining}~~ **relating** to the construction, repairing and
5 maintaining of public highways, roads and bridges within its county.
6 **Sec. 3.** NRS 403.140 is hereby amended to read as follows:
7 403.140 1. ~~{Under}~~ **Except as otherwise provided in section 1 of this**
8 **act, under** the direction of the board of county highway commissioners, the
9 county road supervisor shall:
10 (a) Take charge of all county roads.
11 (b) Supervise and direct the building, repairing and maintaining of all
12 county roads.
13 (c) Lay out roads on the best grades and alignments possible.
14 (d) Repair, plan and supervise and furnish estimates for the guidance of
15 the board of county highway commissioners.
16 (e) Perform such other duties as the board of county highway
17 commissioners may direct and as are required by this chapter.
18 2. The county road supervisor shall view every county road within his
19 county at least once each year.
20 **Sec. 4.** NRS 403.160 is hereby amended to read as follows:
21 403.160 1. If the board of county highway commissioners ~~{shall~~
22 ~~decide}~~ **determines** not to appoint a county road supervisor for the county,
23 the board may ~~{, at its option,}~~ create a board of road commissioners for
24 each district. The board of road commissioners ~~{shall}~~ **must** consist of one
25 to three members.
26 2. The boundaries of the districts may be fixed by the board of county
27 highway commissioners, and road commissioners may be elected in the
28 same manner as ~~{in the case of}~~ township officers.
29 3. Road commissioners shall hold office until their successors are
30 ~~{duly}~~ elected or appointed, and qualified, and shall take and subscribe to
31 the constitutional oath of office before entering upon their duties.
32 4. ~~{A}~~ **Except as otherwise provided in section 1 of this act, a** board of
33 road commissioners ~~{shall}~~:
34 ~~—(a) Exercise~~ :
35 **(a) Shall exercise** the duties of the county road supervisor.
36 (b) ~~{Have}~~ **Has** supervision over all road work within its district, and
37 may appoint whomever the board may choose to do the work.
38 5. All vouchers ~~{shall}~~ **must** be signed by at least a majority of the road
39 commissioners and allowed as in the usual course of claims against the
40 county, but ~~{no}~~ **a** board of road commissioners ~~{shall}~~ **may not** contract for
41 any amount of work in excess of the ~~{funds}~~ **money** set aside for ~~{such}~~ **the**

1 district by the board of county commissioners unless in case of an
2 emergency when, by order of the board of county commissioners, a larger
3 amount may be expended.

4 6. The board of county commissioners shall set aside for each road
5 district the ~~sums of~~ money apportioned for each road district at the first
6 meeting of the board in January, or as soon thereafter as possible.

7 **Sec. 5.** NRS 404.150 is hereby amended to read as follows:

8 404.150 ~~Each~~

9 **1. Except as otherwise provided in subsection 2, each** road supervisor
10 appointed under the provisions of NRS 404.120 to 404.160, inclusive,
11 shall:

12 ~~1.~~ (a) Supervise all work upon the roads in his road district ~~to~~

13 ~~2.~~;

14 (b) Attest to the propriety and correctness of all bills for ~~such work.~~

15 ~~3.~~ **that work; and**

16 (c) Direct the expenditures of all sums set apart for his road district by
17 the board of county commissioners, ~~but no bills shall~~ **except that no bill**
18 **may** be contracted or any money expended by the road supervisor unless he
19 ~~shall have first obtained~~ **obtains** the consent and approval of the board of
20 county commissioners.

21 **2. During the period from December 1 to January 2, inclusive, a**
22 **road supervisor in a county whose population is 100,000 or more shall**
23 **not close a road in his district to construct, maintain or repair that road**
24 **unless the closure is necessary to protect:**

25 (a) **The public; or**

26 (b) **The road from damage during a storm.**

27 **Sec. 6.** Chapter 408 of NRS is hereby amended by adding thereto the
28 provisions set forth as sections 7 and 8 of this act.

29 **Sec. 7. 1. Any contract made or awarded by the department for the**
30 **construction, improvement, maintenance or repair of a highway or an**
31 **appurtenance to that highway that is located in a county whose**
32 **population is 100,000 or more must include a provision for the payment**
33 **of an additional amount of money to the person with whom the contract**
34 **is made or to whom it is awarded if he satisfactorily completes the**
35 **construction, improvement, maintenance or repair of the highway or**
36 **appurtenance before the date for completion of that construction,**
37 **improvement, maintenance or repair set forth in the contract.**

38 **2. The amount of money to be paid pursuant to a provision included**
39 **in a contract specified in subsection 1 and the date before which the work**
40 **must be completed must be determined by the department.**

1 **Sec. 8. During the period from December 1 to January 2, inclusive,**
2 **the director shall not close a highway that is located in a county whose**
3 **population is 100,000 or more to construct, reconstruct, improve or**
4 **maintain that highway unless the closure is necessary to protect:**

5 **1. The public; or**

6 **2. The highway from damage during a storm.**

7 **Sec. 9.** NRS 408.210 is hereby amended to read as follows:

8 408.210 1. ~~{The}~~ **Except as otherwise provided in section 8 of this**
9 **act, the** director may restrict the use of, or close, any highway ~~{whenever}~~ **if**
10 **he considers the closing or restriction of use necessary:**

11 (a) ~~{For the protection of}~~ **To protect** the public.

12 (b) ~~{For the protection of such}~~ **To protect the** highway from damage
13 during ~~{storms}~~ **a storm** or during construction, reconstruction,
14 improvement or maintenance operations thereon.

15 (c) To promote economic development or tourism in the best interest of
16 the state or upon the written request of the executive director of the
17 commission on economic development or the commission on tourism.

18 2. The director may:

19 (a) Divide or separate any highway into separate roadways, wherever
20 there is particular danger to the traveling public of collisions between
21 vehicles proceeding in opposite directions or from vehicular turning
22 movements or cross-traffic, by constructing curbs, central dividing sections
23 or other physical dividing lines, or by signs, marks or other devices in or on
24 the highway appropriate to designate the dividing line.

25 (b) Lay out and construct frontage roads on and along any highway or
26 freeway and divide and separate any such frontage road from the main
27 highway or freeway by means of curbs, physical barriers or by other
28 appropriate devices.

29 3. The director may remove from the highways any unlicensed
30 encroachment which is not removed, or the removal of which is not
31 commenced and thereafter diligently prosecuted, within 5 days after
32 personal service of notice and demand upon the owner of the encroachment
33 or his agent. In lieu of personal service upon that person or his agent,
34 service of the notice may ~~{also}~~ be made by registered or certified mail and
35 by posting, for a period of 5 days, a copy of the notice on the encroachment
36 described in the notice. Removal by the department of the encroachment on
37 the failure of the owner to comply with the notice and demand gives the
38 department a right of action to recover the expense of the removal, cost and
39 expenses of suit, and in addition thereto the sum of \$100 for each day the
40 encroachment remains beyond 5 days after the service of the notice and
41 demand.

42 4. If the director determines that the interests of the department are not
43 compromised by a proposed or existing encroachment, he may issue a

1 license to the owner or his agent permitting an encroachment on the
2 highway. ~~{Such a}~~ **The** license is revocable and must provide for relocation
3 or removal of the encroachment in the following manner. Upon notice from
4 the director to the owner of the encroachment or his agent, the owner or
5 agent may propose a ~~{time}~~ **period** within which he will relocate or remove
6 the encroachment as required. If the director and the owner or his agent
7 agree upon ~~{such a time,}~~ **that period**, the director shall not himself remove
8 the encroachment unless the owner or his agent has failed to do so within
9 the ~~{time}~~ **period** agreed. If the director and the owner or his agent do not
10 agree upon ~~{such a time,}~~ **that period**, the director may remove the
11 encroachment at any time later than 30 days after the service of the original
12 notice upon the owner or his agent. Service of notice may be made in the
13 manner provided by subsection 3. Removal of the encroachment by the
14 director gives the department the right of action provided by subsection 3,
15 but the penalty must be computed from the expiration of the agreed period
16 or 30-day period . ~~{, as the case may be.}~~

17 **Sec. 10.** NRS 244.155 is hereby amended to read as follows:

18 244.155 ~~{The}~~

19 **1. Except as otherwise provided in subsection 2, the** boards of county
20 commissioners ~~{shall have power and jurisdiction}~~ **may**, in their respective
21 counties , ~~{to}~~ lay out, control and manage public roads, turnpikes, ferries
22 and bridges within the county, ~~{in all cases where}~~ **if** the law does not
23 prohibit ~~{such jurisdiction,}~~ **that laying out, control or management**, and
24 ~~{to}~~ **may** make such orders as may be necessary and requisite to carry its
25 control and management into effect.

26 **2. During the period from December 1 to January 2, inclusive, the**
27 **board of county commissioners in a county whose population is 100,000**
28 **or more shall not close a public road, turnpike or bridge to construct,**
29 **maintain or repair that road, turnpike or bridge unless the closure is**
30 **necessary to protect:**

31 **(a) The public; or**

32 **(b) The road, turnpike or bridge from damage during a storm.**

33 **Sec. 11.** Chapter 266 of NRS is hereby amended by adding thereto a
34 new section to read as follows:

35 **During the period from December 1 to January 2, inclusive, the city**
36 **council of a city located in a county whose population is 100,000 or more**
37 **shall not close a street or other public right of way to improve, equip or**
38 **maintain that street or other public right of way unless the closure is**
39 **necessary to protect:**

40 **1. The public; or**

41 **2. The street or other public right of way from damage during a**
42 **storm.**

1 **Sec. 12.** NRS 266.261 is hereby amended to read as follows:

2 266.261 1. ~~{The}~~ ***Except as otherwise provided in section 11 of this***
3 ***act, the*** city council, on behalf of the city and in its name, without any
4 election, may acquire, improve, equip, operate and maintain, convert to or
5 authorize:

- 6 (a) Curb and gutter projects;
- 7 (b) Drainage projects;
- 8 (c) Offstreet parking projects;
- 9 (d) Overpass projects;
- 10 (e) Park projects;
- 11 (f) Sanitary sewer projects;
- 12 (g) Sidewalk projects;
- 13 (h) Storm sewer projects;
- 14 (i) Street projects;
- 15 (j) Underpass projects;
- 16 (k) Water projects; and
- 17 (l) Underground electric and communication facilities.

18 2. The city council on behalf of the city for the purpose of defraying all
19 the costs of acquiring, improving or converting to any project authorized by
20 subsection 1, or any portion of the cost thereof not to be defrayed with
21 money otherwise available therefor, is vested with the powers granted to
22 municipalities by chapters 271 and 704A of NRS.

23 **Sec. 13.** NRS 266.275 is hereby amended to read as follows:

24 266.275 ~~{The}~~ ***Except as otherwise provided in section 11 of this act,***
25 ***the*** city council may:

26 1. Lay out, maintain, alter, improve or vacate all public rights of way in
27 the city.

28 2. Regulate the use of public parks, buildings, grounds and rights of
29 way and prevent the unlawful use thereof.

30 3. Require landowners to keep the adjacent streets, sidewalks and
31 public parks, buildings and grounds free from encroachments or
32 obstructions.

33 4. Regulate and prevent in all public places:

- 34 (a) The distribution and exhibition of handbills, or signs.
- 35 (b) Any practice tending to annoy persons passing in such public places.
- 36 (c) Public demonstrations and processions.

37 5. Prevent riots or any act tending to promote riots in any public place.

38 **Sec. 14.** NRS 269.185 is hereby amended to read as follows:

39 269.185 1. ~~{In}~~ ***Except as otherwise provided in subsection 3, in***
40 addition to the powers and jurisdiction conferred upon the town boards or
41 boards of county commissioners by this chapter, ~~{such}~~ ***those*** boards may:

42 (a) Regulate traffic upon the streets and alleys of towns or cities
43 governed by ~~{such}~~ ***those*** boards pursuant to this chapter.

1 (b) Regulate the speed, parking, stopping, turning and operation of all
2 motor vehicles and other vehicles using the streets and alleys.

3 (c) Pass and adopt all ordinances, rules and regulations, and do and
4 perform all acts and things necessary for the execution of the powers and
5 jurisdiction conferred by this section.

6 2. The town board or board of county commissioners shall cause to be
7 displayed, in each school zone and school crossing zone where the county
8 has posted a speed limit, signs or other devices designating the hours of the
9 day or night or both during which the speed limit in the zone is to apply.

10 **3. During the period from December 1 to January 2, inclusive, the**
11 **board of county commissioners in a county whose population is 100,000**
12 **or more or the town board of an unincorporated town located in that**
13 **county shall not close a street or alley to repair or maintain that street or**
14 **alley unless the closure is necessary to protect:**

15 (a) The public; or

16 (b) The street or alley from damage during a storm.

17 **Sec. 15.** The amendatory provisions of this act expire by limitation on
18 October 1, 2009.