

SENATE CONCURRENT RESOLUTION NO. 8—COMMITTEE ON  
NATURAL RESOURCES

(ON BEHALF OF LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

FEBRUARY 15, 2001

Referred to Committee on Natural Resources

SUMMARY—Directs Legislative Commission to conduct interim study relating to establishment, use and maintenance of certain roads in this state.  
(BDR R-728)

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

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study relating to the establishment, use and maintenance of certain roads in this state.

- 1 WHEREAS, The geography of the State of Nevada is unique in that the  
2 distances between towns, cities, counties, mines, ranches and other places  
3 of human activity are often vast and cover difficult terrain; and  
4 WHEREAS, Because of those distances, the residents of this state from  
5 the earliest days of settlement were required to create and use many  
6 highways, roads, trails, paths and other ways to travel those distances; and  
7 WHEREAS, A large number of highways and roads in this state are  
8 recognized, created and governed by statute, including the State Highway  
9 System and standard, main, general and minor county roads and streets of  
10 cities and towns; and  
11 WHEREAS, Numerous other roads in this state are governed by the laws  
12 and regulations of the Federal Government or are subject to easements or  
13 other rights-of-way created by prescriptive use or judicial decisions  
14 involving private parties; and  
15 WHEREAS, The provisions of federal Revised Statute 2477, formerly  
16 codified at 43 U.S.C. § 932, state that “[t]he right of way for the  
17 construction of highways over public lands, not reserved for public uses, is  
18 hereby granted”; and  
19 WHEREAS, By enacting the provisions of Revised Statute 2477,  
20 Congress specifically recognized the existence of many roads that had been  
21 created over the unappropriated public lands of the United States and  
22 expressly dedicated those roads for use by members of the public; and  
23 WHEREAS, Although the provisions of Revised Statute 2477 were  
24 repealed by Congress on October 21, 1976, valid rights-of-way established



1 before that date continue to exist, thereby creating controversies relating to  
2 the ownership, scope of use and liability for control and maintenance of  
3 those rights-of-way; and

4 WHEREAS, Similarly, the status of other roads in this state that are not  
5 specifically recognized in statute or claimed or maintained by a  
6 governmental entity or person is often in doubt, thereby creating  
7 controversies and issues concerning liability for injury to persons who use  
8 those roads; now, therefore, be it

9 RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY  
10 CONCURRING, That the Legislative Commission is hereby directed to  
11 appoint a subcommittee, consisting of three members of the Senate and  
12 three members of the Assembly who are representative of various  
13 geographical areas of this state, to conduct an interim study concerning the  
14 establishment and maintenance of roads by various governmental entities  
15 and persons in this state and the use of those roads by members of the  
16 public; and be it further

17 RESOLVED, That the study must include, without limitation:

18 1. An examination of the meaning and effect of the provisions of  
19 Revised Statute 2477 or any other provision of state or federal law or  
20 regulation that recognizes or creates a right-of-way over public or private  
21 land in this state;

22 2. A review of the effects, if any, associated with the establishment,  
23 use and maintenance of roads in this state that are not claimed or  
24 maintained by a governmental entity or person in this state, including  
25 issues of liability of this state and political subdivisions of this state  
26 concerning the establishment, use and maintenance of those roads and the  
27 construction of new roads in urban and rural areas of this state; and

28 3. Consideration of any other issues relating to roads and the  
29 establishment, use and maintenance of roads in this state other than issues  
30 concerning the costs and practices of maintaining a road that are  
31 considered by the subcommittee appointed by the Legislative Committee to  
32 Study the Distribution Among Local Governments of Revenue From State  
33 and Local Taxes pursuant to the provisions of NRS 218.53884; and be it  
34 further

35 RESOLVED, That any recommended legislation proposed by the  
36 subcommittee must be approved by a majority of the members of the  
37 Senate and a majority of the members of the Assembly appointed to the  
38 subcommittee; and be it further

39 RESOLVED, That the Legislative Commission shall submit a report of  
40 the results of the study and any recommendations for legislation to the  
41 72nd session of the Nevada Legislature.

