

SENATE BILL NO. 330—SENATOR AMODEI

MARCH 17, 2003

Referred to Committee on Transportation

SUMMARY—Requires establishment of guidelines for inclusion of projects in state transportation improvement program and prioritization of projects by Department of Transportation. (BDR 35-986)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to transportation; requiring the establishment of guidelines for the inclusion of projects in the State Transportation Improvement Program; requiring the Department of Transportation to prioritize projects; requiring the Department to adopt certain regulations; 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 408 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *The Department shall adopt regulations establishing*
4 *guidelines for the inclusion of projects in the State Transportation*
5 *Improvement Program developed pursuant to the Intermodal*
6 *Surface Transportation Efficiency Act of 1991 (P.L. 102-240). The*
7 *regulations must, without limitation, set forth the policies,*
8 *standards, criteria and procedures that will be used by the*
9 *Department in selecting projects to be included in the State*
10 *Transportation Improvement Program, including, without*
11 *limitation, the establishment of:*

12 1. *Objective criteria for measuring the performance and cost*
13 *effectiveness of proposed projects;*



1 2. A policy requiring the Department to consider the advice
2 and recommendations of representatives of affected cities,
3 counties and regional transportation commissions concerning
4 proposed projects; and

5 3. A policy requiring the Department to allocate projects
6 equitably throughout this state.

7 **Sec. 3.** 1. A city, county or regional transportation
8 commission may recommend to the Department that a proposed
9 project be included in the State Transportation Improvement
10 Program, if a project study report has been completed for the
11 project.

12 2. A project study report must evaluate the proposed project
13 for performance and cost effectiveness.

14 3. The criteria that must be used in evaluating the
15 performance of a proposed project include, without limitation,
16 estimated changes resulting from the proposed project in:

17 (a) Travel time or delays for occupants of vehicles, freight and
18 goods;

19 (b) The number of accidents and fatalities;

20 (c) The costs of operating vehicles;

21 (d) Access to jobs, markets and commerce;

22 (e) The frequency and reliability of rail and other transit
23 service;

24 (f) The amount of emissions which cause or contribute to air
25 pollution; and

26 (g) The number of miles traveled in the transportation of
27 passengers, freight and goods.

28 4. The criteria that must be used in evaluating the cost
29 effectiveness of a proposed project include, without limitation,
30 estimated:

31 (a) Decreases resulting from the proposed project in travel
32 time for occupants of vehicles, freight and goods per \$1,000
33 invested;

34 (b) Decreases resulting from the proposed project in the
35 number of accidents and fatalities per \$1,000 invested;

36 (c) Decreases resulting from the proposed project in the costs
37 of operating vehicles per \$1,000 invested;

38 (d) Improvements resulting from the proposed project in
39 access to jobs, markets and commerce per \$1,000 invested;

40 (e) Increases resulting from the proposed project in the
41 frequency and reliability of rail and other transit service per
42 \$1,000 invested;

43 (f) Decreases resulting from the proposed project in the
44 amount of emissions which cause or contribute to air pollution per
45 \$1,000 invested; and



1 (g) Increases resulting from the proposed project in the
2 number of miles traveled in the transportation of passengers,
3 freight and goods per \$1,000 invested.

4 5. The Department shall, after consulting with
5 representatives of interested cities, counties and regional
6 transportation commissions, adopt regulations specifying:

7 (a) Values of performance and benefits, and evaluation
8 methodologies, that must be used in evaluating the performance
9 and benefits of proposed projects;

10 (b) Values of time, safety, costs of vehicle operation and
11 discount rates that must be used in evaluating the cost
12 effectiveness of proposed projects; and

13 (c) The format and other requirements for project study
14 reports.

15 **Sec. 4. 1.** The Department shall ensure that the
16 expenditure of state money for transportation to address
17 deficiencies in the state highway system is prioritized based on the
18 rational selection of projects according to their necessity and an
19 evaluation of the costs and benefits of the projects over their
20 respective expected durations.

21 2. The Department shall ensure that the state transportation
22 improvement program includes both short-term projects and long-
23 term projects, as the Department determines necessary.

24 3. The Department shall develop analytical tools that use a
25 common methodology to measure the costs and benefits of
26 projects.

27 4. The Department shall ensure that projects are
28 systematically scheduled to carry out defined objectives within the
29 limits of available revenue.

30 5. Except as otherwise provided in subsection 6, the
31 Department shall ensure that the prioritization of projects is,
32 without limitation, based on the following factors:

33 (a) The probable effect of the construction of the project on
34 traffic congestion, delays and accidents.

35 (b) Whether the project is located within a heavily-traveled
36 area.

37 (c) The synchronization of the project with other potential
38 transportation projects.

39 (d) The use of cost-benefit analysis whenever feasible to
40 determine the value of a project.

41 (e) The effect of the project on the economy of this state,
42 including, without limitation, the creation of new jobs and the
43 preservation of existing jobs.

44 (f) The extent to which the project will result in the cost-
45 effective movement of persons and goods.



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- 1 (g) *The estimated reduction in accidents and the risk of*
2 *accidents that will result from the completion of the project.*
3 (h) *The effect of the project on the environment of this state.*
4 (i) *The effect of the project on the continuity and systematic*
5 *development of the state highway system.*
6 (j) *The consistency of the project with the plans for*
7 *development established by affected local government, including,*
8 *without limitation:*
9 (1) *The extent to which the project supports urban*
10 *development and revitalization.*
11 (2) *The consistency of the project with planned population*
12 *densities in both rural and urban residential and nonresidential*
13 *areas.*
14 (3) *The opportunities the project will provide for multi-*
15 *modal transportation.*
16 (4) *The extent to which the project accommodates planned*
17 *growth and economic development.*
18 (k) *The consistency of the project with regional transportation*
19 *plans.*
20 (l) *The views of the general public concerning the project.*
21 (m) *The extent to which the project will help to conserve the*
22 *energy resources of this state.*
23 (n) *The feasibility of financing the project.*
24 (o) *Commitments made during a session of the Legislature or*
25 *before a committee of the Legislature.*
26 (p) *The relative costs and benefits of the project.*
27 6. *The Department, in prioritizing projects, may depart from*
28 *the factors set forth in subsection 5:*
29 (a) *To the extent that money is not available to pay for the*
30 *project.*
31 (b) *As necessary to comply with an order or judgment of a*
32 *court of competent jurisdiction, a provision of a legally binding*
33 *agreement, or a provision of a statute or regulation of this state or*
34 *the Federal Government.*
35 (c) *As necessary to allow coordination with any construction*
36 *project of this state, a political subdivision of this state, or the*
37 *Federal Government.*
38 (d) *As necessary to take advantage of an available substantial*
39 *financial benefit.*
40 (e) *For continuity in the development of routes of*
41 *transportation.*
42 (f) *Because of changed financial or physical conditions of an*
43 *unforeseen or emergency nature.*
44 7. *The Department shall maintain records that show the*
45 *extent to which it has, in prioritizing projects, departed from the*



1 *factors set forth in subsection 5, including, without limitation, the*
2 *necessity and justification for the departure.*

3 8. *The Director of the Department shall, on or before*
4 *January 15 of each odd-numbered year, prepare and submit a*
5 *report concerning the records maintained by the Department*
6 *pursuant to subsection 7 to the Director of the Legislative Counsel*
7 *Bureau for transmittal to the Chairmen of the Senate and*
8 *Assembly Standing Committees on Transportation.*

9 9. *The Department shall adopt such regulations as are*
10 *necessary to carry out the provisions of this section. The*
11 *regulations must, without limitation, establish a process for*
12 *analyzing the necessity of projects, including, without limitation,*
13 *the:*

14 (a) *Identification of problems and deficiencies;*

15 (b) *Evaluation of alternative solutions;*

16 (c) *Estimation of the costs and benefits of proposed projects;*
17 *and*

18 (d) *Identification of the effect of proposed projects on traffic*
19 *congestion, traffic safety and the environment and economy of this*
20 *state.*

21 **Sec. 5.** This act becomes effective on July 1, 2003.

