

SENATE BILL NO. 327—SENATOR LEE

MARCH 24, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Transfers authority to provide for benches and shelters for public mass transportation from local governments to regional transportation commission in certain larger counties. (BDR 32-1167)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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 regional transportation commissions; transferring the authority to provide for benches and shelters for passengers of public mass transportation from local governments to the regional transportation commission in certain larger counties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

In a county whose population is 400,000 or more:

1. The commission shall provide for the construction and maintenance of benches and shelters for passengers of public mass transportation.

2. In carrying out its duties pursuant to subsection 1, the commission may displace or limit competition in the construction and maintenance of such benches and shelters. The commission may:

(a) Provide those services on an exclusive basis or adopt a regulatory scheme for controlling the provision of those services; or



1 ***(b) Grant an exclusive franchise to any person to provide those***
2 ***services.***

3 ***3. No board of county commissioners, governing body of an***
4 ***incorporated city, or town board may provide for the construction***
5 ***or maintenance of benches and shelters for passengers of public***
6 ***mass transportation.***

7 **Sec. 2.** NRS 244.187 is hereby amended to read as follows:

8 244.187 A board of county commissioners may, to provide
9 adequate, economical and efficient services to the inhabitants of the
10 county and to promote the general welfare of those inhabitants,
11 displace or limit competition in any of the following areas:

12 1. Ambulance service.

13 2. Taxicabs and other public transportation, unless regulated in
14 that county by an agency of the State.

15 3. Collection and disposal of garbage and other waste.

16 4. Operations at an airport, including , but not limited to , the
17 leasing of motor vehicles and the licensing of concession stands, but
18 excluding police protection and fire protection.

19 5. Water and sewage treatment, unless regulated in that county
20 by an agency of the State.

21 6. Concessions on, over or under property owned or leased by
22 the county.

23 7. Operation of landfills.

24 8. ~~[Construction]~~ ***Except as otherwise provided in section 1 of***
25 ***this act, construction*** and maintenance of benches and shelters for
26 passengers of public mass transportation.

27 **Sec. 3.** NRS 268.081 is hereby amended to read as follows:

28 268.081 The governing body of an incorporated city may, to
29 provide adequate, economical and efficient services to the
30 inhabitants of the city and to promote the general welfare of those
31 inhabitants, displace or limit competition in any of the following
32 areas:

33 1. Ambulance service.

34 2. Taxicabs and other public transportation, unless regulated in
35 that city by an agency of the State.

36 3. Collection and disposal of garbage and other waste.

37 4. Operations at an airport, including, but not limited to, the
38 leasing of motor vehicles and the licensing of concession stands, but
39 excluding police protection and fire protection.

40 5. Water and sewage treatment, unless regulated in that city by
41 an agency of the State.

42 6. Concessions on, over or under property owned or leased by
43 the city.

44 7. Operation of landfills.

45 8. Search and rescue.



9. Inspection required by any city ordinance otherwise authorized by law.

10. ~~{Construction}~~ *Except as otherwise provided in section 1 of this act, construction* and maintenance of benches and shelters for passengers of public mass transportation.

11. Any other service demanded by the inhabitants of the city which the city itself is otherwise authorized by law to provide.

Sec. 4. NRS 269.128 is hereby amended to read as follows:

269.128 A town board or board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the town and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.

2. Taxicabs and other public transportation, unless regulated in that town by an agency of the State.

3. Collection and disposal of garbage and other waste.

4. Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.

5. Water and sewage treatment, unless regulated in that town by an agency of the State.

6. Concessions on, over or under property owned or leased by the town.

7. Operation of landfills.

8. ~~{Construction}~~ *Except as otherwise provided in section 1 of this act, construction* and maintenance of benches and shelters for passengers of public mass transportation.

Sec. 5. NRS 405.030 is hereby amended to read as follows:

405.030 1. Except as otherwise provided in subsection 3 and except within the limits of any city or town through which the highway may run, and on benches and shelters for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, *or section 1 of this act*, or on monorail stations, it is unlawful for any person, firm or corporation to paste, paint, print or in any manner whatever place or attach to any building, fence, gate, bridge, rock, tree, board, structure or anything whatever, any written, printed, painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:

(a) Within any right-of-way of any state highway or road which is owned or controlled by the Department of Transportation.

(b) Within 20 feet of the main-traveled way of any unimproved highway.



1 (c) On the property of another within view of any such highway,
2 without the owner's written consent.

3 2. Nothing in this section prevents the posting or maintaining
4 of any notices required by law to be posted or maintained, or the
5 placing or maintaining of highway signs giving directions and
6 distances for the information of the traveling public, if the signs are
7 approved by the Department of Transportation.

8 3. A tenant of a mobile home park may exhibit a political sign
9 within a right-of-way of a state highway or road which is owned or
10 controlled by the Department of Transportation if the tenant exhibits
11 the sign within the boundary of his lot and in accordance with the
12 requirements and limitations set forth in NRS 118B.145. As used in
13 this subsection, the term "political sign" has the meaning ascribed to
14 it in NRS 118B.145.

15 4. If a franchisee receives revenues from an advertisement, bill,
16 notice, sign, picture, card or poster authorized by subsection 1 and
17 the franchisee is obligated to repay a bond issued by the State of
18 Nevada, the franchisee shall use all revenue generated by the
19 advertisement, bill, notice, sign, picture, card or poster authorized
20 by subsection 1 to meet its obligations to the State of Nevada as set
21 forth in the financing agreement and bond indenture, including,
22 without limitation, the payment of operations and maintenance
23 obligations, the funding of reserves and the payment of debt service.
24 To the extent that any surplus revenue remains after the payment of
25 all such obligations, the surplus revenue must be used solely to
26 repay the bond until the bond is repaid.

27 5. As used in this section, "monorail station" means:

28 (a) A structure for the loading and unloading of passengers from
29 a monorail for which a franchise has been granted pursuant to NRS
30 705.695 or an agreement has been entered into pursuant to
31 NRS 705.695; and

32 (b) Any facilities or appurtenances within such a structure.

33 **Sec. 6.** NRS 405.110 is hereby amended to read as follows:

34 405.110 1. Except on benches and shelters for passengers of
35 public mass transportation for which a franchise has been granted
36 pursuant to NRS 244.187 and 244.188, 268.081 and 268.083,
37 269.128 and 269.129, *or section 1 of this act*, or on monorail
38 stations, no advertising signs, signboards, boards or other materials
39 containing advertising matter may:

40 (a) Except as otherwise provided in subsection 3, be placed
41 upon or over any state highway.

42 (b) Except as otherwise provided in subsections 3 and 4, be
43 placed within the highway right-of-way.

44 (c) Except as otherwise provided in subsection 3, be placed
45 upon any bridge or other structure thereon.



1 (d) Be so situated with respect to any public highway as to
2 obstruct clear vision of an intersecting highway or highways or
3 otherwise so situated as to constitute a hazard upon or prevent the
4 safe use of the state highway.

5 2. With the permission of the Department of Transportation,
6 counties, towns or cities of this State may place at such points as are
7 designated by the Director of the Department of Transportation
8 suitable signboards advertising the counties, towns or
9 municipalities.

10 3. A person may place an advertising sign, signboard, board or
11 other material containing advertising matter in any airspace above a
12 highway if:

13 (a) The Department of Transportation has leased the airspace to
14 the person pursuant to subsection 2 of NRS 408.507, the airspace is
15 over an interstate highway and:

16 (1) The purpose of the sign, signboard, board or other
17 material is to identify a commercial establishment that is entirely
18 located within the airspace, services rendered, or goods produced or
19 sold upon the commercial establishment or that the facility or
20 property that is located within the airspace is for sale or lease; and

21 (2) The size, location and design of the sign, signboard,
22 board or other material and the quantity of signs, signboards, boards
23 or other materials have been approved by the Department of
24 Transportation; or

25 (b) The person owns real property adjacent to an interstate
26 highway and:

27 (1) The person has dedicated to a public authority a fee or
28 perpetual easement interest in at least 1 acre of the property for the
29 construction or maintenance, or both, of the highway over which he
30 is placing the sign, signboard, board or other material and the person
31 retained the air rights in the airspace above the property for which
32 the person has dedicated the interest;

33 (2) The sign, signboard, board or other material is located in
34 the airspace for which the person retained the air rights;

35 (3) The structure that supports the sign, signboard, board or
36 other material is not located on the property for which the person
37 dedicated the fee or easement interest to the public authority, and
38 the public authority determines that the location of the structure
39 does not create a traffic hazard; and

40 (4) The purpose of the sign, signboard, board or other
41 material is to identify an establishment or activity that is located on
42 the real property adjacent to the interstate highway, or services
43 rendered or goods provided or sold on that property.

44 4. A tenant of a mobile home park may exhibit a political sign
45 within a right-of-way of a state highway or road which is owned or



1 controlled by the Department of Transportation if the tenant exhibits
2 the sign within the boundary of his lot and in accordance with the
3 requirements and limitations set forth in NRS 118B.145. As used in
4 this subsection, the term "political sign" has the meaning ascribed to
5 it in NRS 118B.145.

6 5. If any such sign is placed in violation of this section, it is
7 thereby declared a public nuisance and may be removed forthwith
8 by the Department of Transportation or the public authority.

9 6. Any person placing any such sign in violation of the
10 provisions of this section shall be punished by a fine of not more
11 than \$250, and is also liable in damages for any injury or injuries
12 incurred or for injury to or loss of property sustained by any person
13 by reason of the violation.

14 7. If a franchisee receives revenues from an advertising sign,
15 signboard, board or other material containing advertising matter
16 authorized by subsection 1 and the franchisee is obligated to repay a
17 bond issued by the State of Nevada, the franchisee shall use all
18 revenue generated by the advertising sign, signboard, board or other
19 material containing advertising matter authorized by subsection 1 to
20 meet its obligations to the State of Nevada as set forth in the
21 financing agreement and bond indenture, including, without
22 limitation, the payment of operations and maintenance obligations,
23 the funding of reserves and the payment of debt service. To the
24 extent that any surplus revenue remains after the payment of all such
25 obligations, the surplus revenue must be used solely to repay the
26 bond until the bond is repaid.

27 8. As used in this section, "monorail station" means:

28 (a) A structure for the loading and unloading of passengers from
29 a monorail for which a franchise has been granted pursuant to NRS
30 705.695 or an agreement has been entered into pursuant to
31 NRS 705.695; and

32 (b) Any facilities or appurtenances within such a structure.

33 **Sec. 7.** NRS 484.287 is hereby amended to read as follows:

34 484.287 1. It is unlawful for any person to place, maintain or
35 display upon or in view of any highway any unauthorized sign,
36 signal, marking or device which purports to be or is an imitation of
37 or resembles an official traffic-control device or railroad sign or
38 signal, or which attempts to direct the movement of traffic, or which
39 hides from view or interferes with the effectiveness of any such
40 device, sign or signal, and except as otherwise provided in
41 subsection 4, a person shall not place or maintain nor may any
42 public authority permit upon any highway any sign, signal or
43 marking bearing thereon any commercial advertising except on
44 benches and shelters for passengers of public mass transportation for
45 which a franchise has been granted pursuant to NRS 244.187 and



1 244.188, 268.081 and 268.083, 269.128 and 269.129, *or section 1 of*
2 *this act*, or on monorail stations.

3 2. Every such prohibited sign, signal or marking is hereby
4 declared to be a public nuisance, and the proper public authority
5 may remove the same or cause it to be removed without notice.

6 3. This section does not prohibit the erection upon private
7 property adjacent to highways of signs giving useful directional
8 information and of a type that cannot be mistaken for official traffic-
9 control devices.

10 4. A person may place and maintain commercial advertising in
11 an airspace above a highway under the conditions specified pursuant
12 to subsection 3 of NRS 405.110, and a public authority may permit
13 commercial advertising that has been placed in an airspace above a
14 highway under the conditions specified pursuant to subsection 3 of
15 NRS 405.110.

16 5. If a franchisee receives revenues from commercial
17 advertising authorized by subsection 1 and the franchisee is
18 obligated to repay a bond issued by the State of Nevada, the
19 franchisee shall use all revenue generated by the advertising
20 authorized by subsection 1 to meet its obligations to the State of
21 Nevada as set forth in the financing agreement and bond indenture,
22 including, without limitation, the payment of operations and
23 maintenance obligations, the funding of reserves and the payment of
24 debt service. To the extent that any surplus revenue remains after
25 the payment of all such obligations, the surplus revenue must be
26 used solely to repay the bond until the bond is repaid.

27 6. As used in this section, "monorail station" means:

28 (a) A structure for the loading and unloading of passengers from
29 a monorail for which a franchise has been granted pursuant to NRS
30 705.695 or an agreement has been entered into pursuant to
31 NRS 705.695; and

32 (b) Any facilities or appurtenances within such a structure.

33 **Sec. 8.** On July 1, 2005, any contract for the construction and
34 maintenance of benches and shelters for passengers of public mass
35 transportation, or for an exclusive franchise to provide such
36 services, entered into by a local government in a county whose
37 population is 400,000 or more shall be deemed to be a contract with
38 the regional transportation commission for that county. All rights
39 and obligations of the local government on that date under such a
40 contract become the rights and obligations of the regional
41 transportation commission.

42 **Sec. 9.** This act becomes effective on July 1, 2005.



