

SENATE BILL NO. 327—SENATOR LEE

MARCH 24, 2005

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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.

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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; requiring the regional transportation commission to establish an advisory committee to provide information and advice to the regional transportation commission concerning the construction and maintenance of those benches and shelters; requiring the regional transportation commission to provide for the construction of a minimum number of those benches and shelters during the 2005-2007 biennium; requiring the regional transportation commission to prepare and submit a report relating to the construction and maintenance of those benches and shelters to the Legislature; 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 373 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2.** *In a county whose population is 400,000 or more:*



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

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

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

11     (b) Grant an exclusive franchise to any person to provide those  
12 services.

13     3. The commission shall post on each bench, and within each  
14 shelter, a notice that provides a telephone number that a person  
15 may use to report damage to the bench or shelter.

16     4. No board of county commissioners, governing body of an  
17 incorporated city or town board may provide for the construction  
18 or maintenance of benches and shelters for passengers of public  
19 mass transportation.

20     **Sec. 3.** 1. In a county whose population is 400,000 or more,  
21 the commission shall establish an advisory committee to provide  
22 information and advice to the commission concerning the  
23 construction and maintenance of benches and shelters for  
24 passengers of public mass transportation in the county. The  
25 membership of the advisory committee must consist of:

26     (a) Two members of the general public from each city within  
27 the county who are appointed by the governing body of that city;  
28 and

29     (b) Six members of the general public appointed by the  
30 commission.

31     2. Each member of the advisory committee serves a term of 1  
32 year. A member may be reappointed for additional terms of 1 year  
33 in the same manner as the original appointment.

34     3. A vacancy occurring in the membership of the advisory  
35 committee must be filled in the same manner as the original  
36 appointment.

37     4. The advisory committee shall meet at least six times  
38 annually.

39     5. At its first meeting and annually thereafter, the advisory  
40 committee shall elect a chairman and vice chairman from among  
41 its members.

42     6. Each member of the advisory committee serves without  
43 compensation and is not entitled to receive a per diem allowance  
44 or travel expenses.



1     **Sec. 4.** NRS 244.187 is hereby amended to read as follows:

2     244.187 A board of county commissioners may, to provide  
3 adequate, economical and efficient services to the inhabitants of the  
4 county and to promote the general welfare of those inhabitants,  
5 displace or limit competition in any of the following areas:

6     1. Ambulance service.

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

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

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

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

15    6. Concessions on, over or under property owned or leased by  
16 the county.

17    7. Operation of landfills.

18    8. ~~[Construction]~~ *Except as otherwise provided in section 2 of*  
19 *this act, construction* and maintenance of benches and shelters for  
20 passengers of public mass transportation.

21     **Sec. 5.** NRS 268.081 is hereby amended to read as follows:

22     268.081 The governing body of an incorporated city may, to  
23 provide adequate, economical and efficient services to the  
24 inhabitants of the city and to promote the general welfare of those  
25 inhabitants, displace or limit competition in any of the following  
26 areas:

27     1. Ambulance service.

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

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

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

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

36     6. Concessions on, over or under property owned or leased by  
37 the city.

38     7. Operation of landfills.

39     8. Search and rescue.

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

42     10. ~~[Construction]~~ *Except as otherwise provided in section 2*  
43 *of this act, construction* and maintenance of benches and shelters  
44 for passengers of public mass transportation.



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

3 **Sec. 6.** NRS 269.128 is hereby amended to read as follows:

4 269.128 A town board or board of county commissioners may,  
5 to provide adequate, economical and efficient services to the  
6 inhabitants of the town and to promote the general welfare of those  
7 inhabitants, displace or limit competition in any of the following  
8 areas:

9 1. Ambulance service.

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

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

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

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

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

20 7. Operation of landfills.

21 8. ~~[Construction]~~ *Except as otherwise provided in section 2 of*  
22 *this act, construction* and maintenance of benches and shelters for  
23 passengers of public mass transportation.

24 **Sec. 7.** NRS 405.030 is hereby amended to read as follows:

25 405.030 1. Except as otherwise provided in subsection 3 and  
26 except within the limits of any city or town through which the  
27 highway may run, and on benches and shelters for passengers of  
28 public mass transportation built pursuant to a franchise granted  
29 pursuant to NRS 244.187 and 244.188, 268.081 and 268.083,  
30 269.128 and 269.129, *or section 2 of this act*, or on monorail  
31 stations, it is unlawful for any person, firm or corporation to paste,  
32 paint, print or in any manner whatever place or attach to any  
33 building, fence, gate, bridge, rock, tree, board, structure or anything  
34 whatever, any written, printed, painted or other outdoor  
35 advertisement, bill, notice, sign, picture, card or poster:

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

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

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

42 2. Nothing in this section prevents the posting or maintaining  
43 of any notices required by law to be posted or maintained, or the  
44 placing or maintaining of highway signs giving directions and



1 distances for the information of the traveling public , if the signs are  
2 approved by the Department of Transportation.

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

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

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

23 (a) A structure for the loading and unloading of passengers from  
24 a monorail for which a franchise has been granted pursuant to NRS  
25 705.695 or an agreement has been entered into pursuant to  
26 NRS 705.695; and

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

28 **Sec. 8.** NRS 405.110 is hereby amended to read as follows:

29 405.110 1. Except on benches and shelters for passengers of  
30 public mass transportation for which a franchise has been granted  
31 pursuant to NRS 244.187 and 244.188, 268.081 and 268.083,  
32 269.128 and 269.129, *or section 2 of this act*, or on monorail  
33 stations, no advertising signs, signboards, boards or other materials  
34 containing advertising matter may:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in



1 this subsection, the term “political sign” has the meaning ascribed to  
2 it in NRS 118B.145.

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

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

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

24 8. As used in this section, “monorail station” means:

25 (a) A structure for the loading and unloading of passengers from  
26 a monorail for which a franchise has been granted pursuant to NRS  
27 705.695 or an agreement has been entered into pursuant to NRS  
28 705.695; and

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

30 **Sec. 9.** NRS 484.287 is hereby amended to read as follows:

31 484.287 1. It is unlawful for any person to place, maintain or  
32 display upon or in view of any highway any unauthorized sign,  
33 signal, marking or device which purports to be or is an imitation of  
34 or resembles an official traffic-control device or railroad sign or  
35 signal, or which attempts to direct the movement of traffic, or which  
36 hides from view or interferes with the effectiveness of any such  
37 device, sign or signal, and except as otherwise provided in  
38 subsection 4, a person shall not place or maintain nor may any  
39 public authority permit upon any highway any sign, signal or  
40 marking bearing thereon any commercial advertising except on  
41 benches and shelters for passengers of public mass transportation for  
42 which a franchise has been granted pursuant to NRS 244.187 and  
43 244.188, 268.081 and 268.083, 269.128 and 269.129, *or section 2 of*  
44 *this act*, or on monorail stations.



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

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

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

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

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

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

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

**Sec. 10.** On July 1, 2005, any contract for the construction and maintenance of benches and shelters for passengers of public mass transportation, or for an exclusive franchise to provide such services, entered into by a local government in a county whose population is 400,000 or more shall be deemed to be a contract with the regional transportation commission for that county. All rights and obligations of the local government on that date under such a contract become the rights and obligations of the regional transportation commission.

**Sec. 11.** 1. The regional transportation commission for a county whose population is 400,000 or more shall, in accordance with section 2 of this act, provide for the construction of at least a total of 20 benches or shelters, or any combination thereof, for passengers of public mass transportation during each fiscal year of the 2005-2007 biennium.





2. In providing for the construction of benches and shelters pursuant to subsection 1, the regional transportation commission shall, to the extent practicable, give priority to the construction of benches and shelters along fixed bus routes where the period of waiting between buses is 45 minutes or more.

3. On or before January 1, 2007, the regional transportation commission shall:

(a) Prepare a report that:

(1) Identifies the locations of the benches and shelters for passengers of public mass transportation that were constructed pursuant to subsection 1 during the 2005-2007 biennium;

(2) Describe the activities and plans of the regional transportation commission relating to future construction of benches and shelters for passengers of public mass transportation;

(3) Describe the activities and plans of the regional transportation commission relating to the maintenance of the benches and shelters, including, without limitation, any renegotiation of existing contracts for the construction and maintenance of benches and shelters for passengers of public mass transportation; and

(4) Describe the activities of any advisory committees created by the regional transportation commission, and of the advisory committee established pursuant to section 3 of this act, relating to the construction and maintenance of benches and shelters for passengers of public mass transportation.

(b) Submit the report prepared pursuant to paragraph (a) to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Legislature.

**Sec. 12.** This act becomes effective on July 1, 2005.







