

SENATE BILL NO. 475—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

MARCH 29, 2005

Referred to Committee on Judiciary

SUMMARY—Limits liability of certain private operators who contract with regional transportation commission. (BDR 32-1081)

FISCAL NOTE: Effect on Local Government: No.
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 public transit; limiting the liability of certain private operators who contract with a regional transportation commission; 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.** NRS 373.117 is hereby amended to read as follows:
2 373.117 1. A regional transportation commission, a county
3 whose population is less than 100,000 or an incorporated city within
4 such a county may establish or operate a public transit system
5 consisting of:
6 (a) Regular routes and fixed schedules to serve the public;
7 (b) Nonemergency medical transportation of persons to facilitate
8 their use of a center as defined in NRS 435.170, if the transportation
9 is available upon request and without regard to regular routes or
10 fixed schedules;
11 (c) Nonmedical transportation of disabled persons without
12 regard to regular routes or fixed schedules; or
13 (d) In a county whose population is less than 100,000 or an
14 incorporated city within such a county, nonmedical transportation of
15 persons if the transportation is available by reservation 1 day in



1 advance of the transportation and without regard to regular routes or
2 fixed schedules.

3 2. A regional transportation commission may lease vehicles to
4 or from or enter into other contracts with a private operator for the
5 provision of such a system. *A private operator with whom a*
6 *regional transportation commission enters into a contract as*
7 *described in this subsection is not a public entity or local*
8 *government for the purposes of any law of this State. However, in*
9 *any cause of action brought against a private operator who is an*
10 *independent contractor of a regional transportation commission*
11 *and who provides or provided services of transit pursuant to this*
12 *section on or after July 1, 2002, the private operator may only be*
13 *held liable for:*

14 (a) *Except as otherwise provided in paragraph (b), damages*
15 *and actual medical costs to the extent that the regional*
16 *transportation commission would be liable for such damages and*
17 *costs pursuant to NRS 41.0305 to 41.039, inclusive; and*

18 (b) *Any actual medical costs in excess of the amount for which*
19 *the regional transportation commission would be liable for such*
20 *costs pursuant to NRS 41.0305 to 41.039, inclusive.*

21 3. In a county whose population is less than 400,000, such a
22 system may also provide service which includes:

23 (a) Minor deviations from the regular routes and fixed schedules
24 required by paragraph (a) of subsection 1 on a recurring basis to
25 serve the public transportation needs of passengers. The deviations
26 must not exceed one-half mile from the regular routes.

27 (b) The transporting of persons other than those specified in
28 paragraph (b), (c) or (d) of subsection 1 upon request without regard
29 to regular routes or fixed schedules, if the service is provided by a
30 common motor carrier which has a certificate of public convenience
31 and necessity issued by the Transportation Services Authority
32 pursuant to NRS 706.386 to 706.411, inclusive, and the service is
33 subject to the rules and regulations adopted by the Transportation
34 Services Authority for a fully regulated carrier.

35 4. Notwithstanding the provisions of chapter 332 of NRS or
36 NRS 625.530, a regional transportation commission may utilize a
37 turnkey procurement process to select a person to design, build,
38 operate and maintain, or any combination thereof, a fixed guideway
39 system, including, without limitation, any minimum operable
40 segment thereof. The commission shall determine whether to utilize
41 turnkey procurement for a fixed guideway project before the
42 completion of the preliminary engineering phase of the project. In
43 making that determination, the commission shall evaluate whether
44 turnkey procurement is the most cost effective method of



1 constructing the project on schedule and in satisfaction of its
2 transportation objectives.

3 5. Notwithstanding the provisions of chapter 332 of NRS, a
4 regional transportation commission may utilize a competitive
5 negotiation procurement process to procure rolling stock for a fixed
6 guideway project. The award of a contract under such a process
7 must be made to the person whose proposal is determined to be the
8 most advantageous to the commission, based on price and other
9 factors specified in the procurement documents.

10 6. If a commission develops a fixed guideway project, the
11 Department of Transportation is hereby designated to serve as the
12 oversight agency to ensure compliance with the federal safety
13 regulations for rail fixed guideway systems set forth in 49 C.F.R.
14 Part 659.

15 7. As used in this section:

16 (a) "Fully regulated carrier" means a common carrier or contract
17 carrier of passengers or household goods who is required to obtain
18 from the Transportation Services Authority a certificate of public
19 convenience and necessity or a contract carrier's permit and whose
20 rates, routes and services are subject to regulation by the
21 Transportation Services Authority.

22 (b) "Minimum operable segment" means the shortest portion of
23 a fixed guideway system that is technically capable of providing
24 viable public transportation between two end points.

25 (c) "Public transit system" means a system employing motor
26 buses, rails or any other means of conveyance, by whatever type of
27 power, operated for public use in the conveyance of persons.

28 (d) "Turnkey procurement" means a competitive procurement
29 process by which a person is selected by a regional transportation
30 commission, based on evaluation criteria established by the
31 commission, to design, build, operate and maintain, or any
32 combination thereof, a fixed guideway system, or a portion thereof,
33 in accordance with performance criteria and technical specifications
34 established by the commission.



