

SENATE BILL NO. 417—SENATOR LEE

MARCH 19, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Enacts provisions to facilitate the construction and maintenance of benches, shelters and transit stops for passengers of public mass transportation in certain counties. (BDR 32-955)

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 mass transportation; enacting provisions to facilitate the construction and maintenance of benches, shelters and transit stops for passengers of public mass transportation in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the regional transportation commission in a county whose
2 population is 400,000 or more (currently Clark County) has the authority to provide
3 for the construction and maintenance of benches and shelters for passengers of
4 public mass transportation. (NRS 373.1183) This bill authorizes such a regional
5 transportation commission to provide for the construction and maintenance of
6 transit stops in addition to benches and shelters. This bill also authorizes the
7 regional transportation commission to locate such benches, shelters and transit
8 stops within any public easement or right-of-way, including a public easement or
9 right-of-way dedicated or restricted for use by any utility, if: (1) the public
10 easement or right-of-way is adjacent or appurtenant to or within a reasonable
11 proximity of any public highway; and (2) the benches, shelters and transit stops
12 may be located safely within the public easement or right-of-way without damaging
13 the facilities of other persons who are authorized to place their facilities within the
14 public easement or right-of-way.



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

Section 1. NRS 373.1183 is hereby amended to read as follows:

373.1183 In a county whose population is 400,000 or more:

1. The commission shall provide for the construction and maintenance of benches , ~~and~~ shelters *and transit stops* 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.~~ , *shelters and transit stops*. The commission may:

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

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

3. *The commission or any person who is authorized by the commission to provide for the construction and maintenance of benches, shelters and transit stops for passengers of public mass transportation may locate such benches, shelters and transit stops within any public easement or right-of-way, including, without limitation, a public easement or right-of-way dedicated or restricted for use by any utility, if:*

(a) The public easement or right-of-way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and

(b) The benches, shelters and transit stops may be located safely within the public easement or right-of-way without damaging the facilities of other persons who are authorized to place their facilities within the public easement or right-of-way.

As used in this subsection, "public highway" means any street, road, alley, thoroughfare, way or place of any kind used by the public or open to the use of the public as a matter of right for the purpose of vehicular traffic.

4. The commission shall post on each bench, ~~and~~ within each shelter ~~and~~ *and near each transit stop* a notice that provides a telephone number that a person may use to report damage to the bench ~~for shelter.~~

~~—4.~~ , *shelter or transit stop*.

5. No board of county commissioners, governing body of an incorporated city or town board may ~~provide~~ :

(a) *Provide* for the construction or maintenance of benches , ~~and~~ shelters *and transit stops* for passengers of public mass



1 transportation ~~and~~ *except with the approval of or at the request of*
2 *the commission; or*

3 *(b) Adopt any ordinance, regulation or plan, enter into or*
4 *approve any franchise, contract or agreement or take any other*
5 *action that prohibits or unreasonably restricts the commission*
6 *from providing for the construction or maintenance of benches,*
7 *shelters and transit stops for passengers of public mass*
8 *transportation.*

9 **Sec. 2.** NRS 373.1185 is hereby amended to read as follows:

10 373.1185 1. In a county whose population is 400,000 or
11 more, the commission shall establish an advisory committee to
12 provide information and advice to the commission concerning the
13 construction and maintenance of benches , ~~and~~ shelters *and transit*
14 *stops* for passengers of public mass transportation in the county. The
15 membership of the advisory committee must consist of:

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

18 (b) Six members of the general public appointed by the
19 commission.

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

23 3. A vacancy occurring in the membership of the advisory
24 committee must be filled in the same manner as the original
25 appointment.

26 4. The advisory committee shall meet at least six times
27 annually.

28 5. At its first meeting and annually thereafter, the advisory
29 committee shall elect a chairman and vice chairman from among its
30 members.

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

34 **Sec. 3.** This act becomes effective upon passage and approval.

