

Amendment No. 328

Senate Amendment to Senate Bill No. 417	(BDR 32-955)
Proposed by: Senate Committee on Transportation and Homeland Security	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

SSH/KCP



Date: 4/21/2007

S.B. No. 417—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)



SENATE BILL NO. 417—SENATOR LEE

MARCH 19, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Enacts provisions to facilitate the construction , **installation** 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 , **installation** 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:

Under existing law, the regional transportation commission in a county whose population is 400,000 or more (currently Clark County) has the authority to provide for the construction and maintenance of benches and shelters for passengers of public mass transportation. (NRS 373.1183) This bill authorizes such a regional transportation commission to provide for the construction , **installation** and maintenance of transit stops in addition to benches and shelters. This bill also authorizes the regional transportation commission to locate such benches, shelters and transit stops within any public easement or right-of-way, including a public easement or right-of-way dedicated or restricted for use by any utility, if: (1) the public easement or right-of-way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and (2) 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.

This bill also requires the regional transportation commission and the governmental entity that owns or controls the public easement or right-of-way to execute an interlocal or cooperative agreement that authorizes the construction, installation, maintenance and use of the benches, shelters or transit stops within the public easement or right-of-way.

Finally, if such benches, shelters or transit stops will be constructed or installed within any public easement located within the common area or common elements of a common-interest community governed by an association, the regional transportation commission must: (1) provide the governing body of the association with written notice of the intent to construct or install the benches, shelters or transit stops within the public easement; and (2) coordinate, to the extent practicable, with the governing body of the association to determine an appropriate location for the benches, shelters or transit stops within the public easement.

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, installation 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, installation 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. ~~That~~ Subject to the provisions of subsections 4 and 5, the commission or any person who is authorized by the commission to provide for the construction, installation 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. Before the commission or any person authorized by the commission may construct or install any benches, shelters or transit stops within any public easement or right-of-way, the commission and the governmental entity that owns or controls the public easement or right-of-way shall execute an interlocal or cooperative agreement that authorizes the construction, installation, maintenance and use of the benches, shelters or transit stops within the public easement or right-of-way.

5. If the commission or any person authorized by the commission intends to construct or install any benches, shelters or transit stops within any public easement that is located within the common area or common elements of a common-interest community governed by an association, the commission shall:

(a) Provide the governing body of the association with written notice of the intent to construct or install the benches, shelters or transit stops within the public easement at least 30 days before such construction or installation begins; and

(b) Coordinate, to the extent practicable, with the governing body of the association to determine an appropriate location for the benches, shelters or transit stops within the public easement.

6. The commission shall post on each bench, ~~and~~ within each shelter ~~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.

~~5-7~~ Z. No board of county commissioners, governing body of an incorporated city or town board may ~~provide~~:

(a) *Provide* for the construction, installation or maintenance of benches, ~~and~~ shelters *and transit stops* for passengers of public mass transportation ~~or~~ *except with the approval of or at the request of the commission; or*

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

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

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

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

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

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

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

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

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

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

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