

## SENATE BILL NO. 173—SENATOR LEE

MARCH 4, 2009

Referred to Committee on Government Affairs

SUMMARY—Provides for the construction of bus turnouts at certain locations in certain counties. (BDR 22-584)

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 local governmental planning; providing for the construction of bus turnouts at certain locations 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) Additionally, the regional transportation commission is required to work with the regional planning coalition concerning plans for capital improvements. (NRS 278.02584)

**Section 1** of this bill requires that the regional transportation commission in a county whose population is 400,000 or more designate, on or before December 31, 2009, 10 bus stops at which a bus turnout—an area for loading and unloading passengers outside of the lanes of traffic—must be constructed by December 31, 2012. Such a bus turnout must be constructed on land owned by a local government. The local government which owns the land and the commission must enter into an agreement to jointly provide for and fund the construction of the bus turnout. On and after January 1, 2013, **section 3** of this bill provides that the commission may designate annually up to three locations at which a bus turnout must be constructed within 1 year.

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

**Section 1.** Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. Not later than December 31, 2009:***



\* S B 1 7 3 \*

(a) Except as otherwise provided in subsection 4, the commission shall designate 10 locations in the county that are owned by local governments and at which a bus turnout must be constructed pursuant to this section; and

(b) For each location designated pursuant to paragraph (a), the commission and the local government that owns the location shall execute an interlocal or cooperative agreement that authorizes the construction of a bus turnout at the location.

2. For each location designated pursuant to subsection 1, the commission and the local government that owns the location shall:

(a) Ensure that a bus turnout is constructed not later than December 31, 2012; and

(b) Subject to the agreement executed pursuant to paragraph (b) of subsection 1, jointly fund the construction of the bus turnout.

3. When determining the locations to be designated pursuant to subsection 1, the commission shall consider, without limitation:

(a) The amount of traffic congestion at the location during hours of peak traffic;

(b) The extent of improvements to the location that would need to be completed before the bus turnout could be constructed;

(c) The proximity of the location to an intersection;

(d) The frequency with which buses receive and discharge passengers at the location;

(e) The number of bus passengers regularly using the bus stop at the location; and

(f) The general need for a bus turnout at the location.

4. The commission shall not designate more than three locations pursuant to subsection 1 that are owned by the same local government.

5. As used in this section:

(a) "Bus" has the meaning ascribed to it in NRS 484.021.

(b) "Bus turnout" means a fixed area that is:

(1) Adjacent or appurtenant to, or within reasonable proximity of, a public highway; and

(2) To be occupied exclusively by buses in receiving or discharging passengers.

(c) "Commission" means the regional transportation commission created and organized pursuant to chapter 373 of NRS in a county whose population is 400,000 or more.

(d) "Local government" means any political subdivision of the State, including, without limitation, any county, city, town, board, airport authority, fire protection district, irrigation district, school district, hospital district or other special district which performs a



1 *governmental function and which is located within the jurisdiction*  
2 *of the commission.*

3 (e) "Location" means a parcel of unimproved real property  
4 which:

5 (1) *Is owned by a local government;*

6 (2) *Is adjacent to a public highway; and*

7 (3) *Contains a bench, shelter or transit stop for passengers*  
8 *of public transportation.*

9 (f) "Public highway" means any street, road, alley,  
10 thoroughfare, way or place of any kind used by the public or open  
11 to the use of the public as a matter of right for the purpose of  
12 vehicular traffic.

13 **Sec. 2.** NRS 278.02507 is hereby amended to read as follows:

14 278.02507 The provisions of NRS 278.02507 to 278.02598,  
15 inclusive, *and section 1 of this act* apply only to counties whose  
16 population is 400,000 or more and cities located within those  
17 counties.

18 **Sec. 3.** Section 1 of this act is hereby amended to read as  
19 follows:

20 Section 1. 1. ~~Not later than December 31, 2009:~~

21 ~~—(a)~~ Except as otherwise provided in subsection ~~[4.]~~ 6, the  
22 commission ~~[shall designate 10]~~ *may designate annually not*  
23 *more than three* locations in the county that are owned by  
24 local governments and at which a bus turnout must be  
25 constructed pursuant to this section. ~~[- and~~

26 ~~—(b) For each location designated pursuant to paragraph~~  
27 ~~(a), the commission and the local government that owns the~~  
28 ~~location shall execute an interlocal or cooperative agreement~~  
29 ~~that authorizes the construction of a bus turnout at the~~  
30 ~~location.]~~

31 2. For each location designated pursuant to subsection 1,  
32 the commission and the local government that owns the  
33 location shall:

34 (a) *Execute an interlocal or cooperative agreement that*  
35 *authorizes the construction of a bus turnout at the location.*

36 (b) Ensure that a bus turnout is constructed not later than  
37 ~~[December 31, 2012;]~~ *1 year after the date on which the*  
38 *commission designates the location pursuant to subsection*  
39 *1; and*

40 ~~[(b)]~~ (c) Subject to the agreement executed pursuant to  
41 paragraph ~~[(b) of subsection 1.]~~ (a), jointly fund the  
42 construction of the bus turnout.

43 3. *The commission shall:*

44 (a) *Compile a list of locations, in order of priority, that*  
45 *the commission may designate pursuant to subsection 1;*



1           (b) *Post the list on the Internet website maintained by*  
2 *the commission, if any;*

3           (c) *Annually update the list.*

4           4. *Except as otherwise provided in subsection 6, the*  
5 *locations that the commission designates pursuant to*  
6 *subsection 1 must be the first three locations, in order of*  
7 *priority, that are on the list compiled and updated pursuant*  
8 *to subsection 3.*

9           5. When ~~the~~ *compiling* the *list of* locations ~~to~~  
10 ~~be designated~~ pursuant to subsection ~~1-1~~ 3, the commission  
11 shall consider, without limitation:

12           (a) The amount of traffic congestion at the location during  
13 hours of peak traffic;

14           (b) The extent of improvements to the location that would  
15 need to be completed before the bus turnout could be  
16 constructed;

17           (c) The proximity of the location to an intersection;

18           (d) The frequency with which buses receive and discharge  
19 passengers at the location;

20           (e) The number of bus passengers regularly using the bus  
21 stop at the location; and

22           (f) The general need for a bus turnout at the location.

23           ~~4-1~~ 6. The commission shall not designate more than  
24 ~~three locations~~ *one location* pursuant to subsection 1 that  
25 ~~are~~ *is* owned by the same local government.

26           ~~5-1~~ 7. As used in this section:

27           (a) "Bus" has the meaning ascribed to it in NRS 484.021.

28           (b) "Bus turnout" means a fixed area that is:

29               (1) Adjacent or appurtenant to, or within reasonable  
30 proximity of, a public highway; and

31               (2) To be occupied exclusively by buses in receiving  
32 or discharging passengers.

33           (c) "Commission" means the regional transportation  
34 commission created and organized pursuant to chapter 373 of  
35 NRS in a county whose population is 400,000 or more.

36           (d) "Local government" means any political subdivision  
37 of the State, including, without limitation, any county, city,  
38 town, board, airport authority, fire protection district,  
39 irrigation district, school district, hospital district or other  
40 special district which performs a governmental function and  
41 which is located within the jurisdiction of the commission.

42           (e) "Location" means a parcel of unimproved real  
43 property which:

44               (1) Is owned by a local government;

45               (2) Is adjacent to a public highway; and



1 (3) Contains a bench, shelter or transit stop for  
2 passengers of public transportation.

3 (f) "Public highway" means any street, road, alley,  
4 thoroughfare, way or place of any kind used by the public or  
5 open to the use of the public as a matter of right for the  
6 purpose of vehicular traffic.

7 **Sec. 4.** The provisions of NRS 354.599 do not apply to any  
8 additional expenses of a local government that are related to the  
9 provisions of this act.

10 **Sec. 5.** 1. This section and sections 1, 2 and 4 of this act  
11 become effective on July 1, 2009.

12 2. Section 1 of this act expires by limitation on December 31,  
13 2012.

14 3. Section 3 of this act becomes effective on January 1, 2013.

