

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.

CONTAINS UNFUNDED MANDATE (§4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 the State or a local government. The commission must fund the construction of the bus turnout. On and after January 1, 2013, **section 4** of this bill provides that the commission may designate annually up to four locations at which a bus turnout must be constructed within 1 year. Pursuant to **section 4**, the county and the three largest incorporated cities within the county would each fund the construction of one of the four bus turnouts.



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:

(a) Except as otherwise provided in subsection 5, the commission shall designate 10 locations in the county that are owned by the State or 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 State or 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 State or the local government that owns the location shall ensure that a bus turnout is constructed not later than December 31, 2012.

3. The commission shall fund the construction of a bus turnout built pursuant to this section.

4. 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;

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

(g) Any obstacle that may prevent the completion of the construction of a bus turnout by the date set forth in subsection 2.

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

6. 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 governmental function and which is located within the jurisdiction of the commission.

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

(1) Is owned by the State or by a local government;

(2) Is adjacent to a public highway; and

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

(f) "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.

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

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

Sec. 3. (Deleted by amendment.)

Sec. 4. Section 1 of this act is hereby amended to read 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:~~

~~—(a)] Except as otherwise provided in subsection [5,] 7, the commission [shall designate 10 locations in] may require the county [that are owned by the State or by local governments and at which a] and the three largest incorporated cities in the county to each construct annually one bus turnout [must be constructed pursuant to this section; and~~

~~—(b)] For each location designated pursuant to paragraph (a),] at the locations designated by the commission . [and the State or 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]~~ If a location designated pursuant to subsection 1 ~~[, the commission]~~ is not owned by the county or city, the county or city and the State or 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.

3. The county or city shall ensure that a bus turnout is constructed not later than ~~{December 31, 2012-}~~

~~—3. The commission} 1 year after the date on which the commission designates the location pursuant to subsection 1.~~

4. The county or city, as the case may be, shall fund the construction of a bus turnout ~~{built}~~ required pursuant to this section.

~~{4. When determining}~~

5. The commission shall:

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

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

(c) Annually update the list.

6. When compiling the list of locations ~~{to be designated}~~ pursuant to subsection ~~{4.} 5~~, 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;

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

(g) Any obstacle that may prevent the completion of the construction of a bus turnout . ~~{by the date set forth in subsection 2.}~~

~~—5.} 7. The commission shall not designate more than ~~{three locations}~~ one location pursuant to subsection 1 that ~~{are}~~ is owned by the State or by the same local government.~~

~~{6.} 8. 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 governmental function and which is located within the jurisdiction of the commission.

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

(1) Is owned by the State or by a local government;

(2) Is adjacent to a public highway; and

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

(f) "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.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. 1. This section and sections 1, 2 and 5 of this act become effective on July 1, 2009.

2. Section 4 of this act becomes effective on January 1, 2013, and expires by limitation on December 31, 2023.

