

Amendment No. 20

Senate Amendment to Senate Bill No. 137 (BDR 22-917)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate requested by the affected local government to S.B. 137 (§ 1).

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 italic* 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 underlining* is newly added transitory language.

SRT/HAC



Date: 4/25/2011

S.B. No. 137—Revises provisions relating to the construction of bus turnouts at certain locations. (BDR 22-917)



SENATE BILL NO. 137—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 9, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the construction of bus turnouts at certain locations. (BDR 22-917)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 1)
(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 additional 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) was required to 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. (NRS 278.02587)

Section 1 of this bill requires the regional transportation commission in a county whose population is ~~400,000~~ **700,000** or more (~~currently Clark County~~) to designate, on or before December 31, 2011, 15 additional bus stops at which a bus turnout must be constructed by December 31, 2014. 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. **Section 1 also requires the commission to establish a technical advisory committee to work cooperatively with utility companies and franchise holders who may be impacted by the construction of a bus turnout.** **Section 2** of this bill requires the regional transportation commission in a county whose population is ~~400,000~~ **700,000** or more to report to the Legislature on the designation and construction of bus turnouts before the 77th Session of the Legislature convenes.

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

Section 1. NRS 278.02587 is hereby amended to read as follows:
278.02587 1. Not later than December 31, 2009:
(a) Except as otherwise provided in subsection ~~15.1~~ **7**, 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. *Not later than December 31, 2011:*

(a) Except as otherwise provided in subsection 7, the commission shall designate 15 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.

4. *For each location designated pursuant to subsection 3, 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, 2014.*

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

~~4-4~~ 6. When determining the locations to be designated pursuant to subsection 1 ~~4-4~~ or 3, 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 ~~4-4~~ or 4, as applicable.

~~4-5~~ 7. The commission shall not designate more than three locations pursuant to subsection 1 or 3 that are owned by the State or by the same local government.

~~4-6~~ 8. The commission shall establish a technical advisory committee which shall:

(a) As soon as practicable after the locations have been designated pursuant to subsection 1 and before the development of construction plans for the bus turnouts, meet with all utility companies and franchise holders whose utilities or facilities may be impacted by a bus turnout constructed pursuant to that subsection. Such meetings may include visits to the designated locations.

(b) Work in a cooperative manner with the affected utilities and franchise holders to minimize the total cost for the placement or relocation of the affected utility or facility.

9. As used in this section:

(a) "Bus" has the meaning ascribed to it in NRS 484A.030.

(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 277A of NRS in a county whose population is ~~400,000~~ 700,000 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. 1. On or before February 1, 2013, the commission shall submit a report on the designation and construction by the commission of bus turnouts pursuant to NRS 278.02587, as amended by section 1 of this act, and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 77th Session of the Nevada Legislature.

2. As used in this section:

(a) "Bus" has the meaning ascribed to it in NRS 484A.030.

(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 277A of NRS in a county whose population is ~~400,000~~ 700,000 or more.

(d) "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. 3. 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. 4. This act becomes effective upon passage and approval.