

ASSEMBLY BILL NO. 18—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION)

PREFILED DECEMBER 19, 2012

Referred to Committee on Transportation

SUMMARY—Revises provisions governing the relinquishment of state highways to local governments and the relinquishment of local roads to the Department of Transportation. (BDR 35-363)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 transportation; authorizing the Department of Transportation, under certain circumstances, to relinquish a state highway to a county or city and authorizing a county or city, under certain circumstances, to relinquish a local road to the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, any relinquishment of a portion of any state highway by the
2 Department of Transportation to a county or city requires a consenting resolution
3 from the legislative body of that county or city. (NRS 408.527) This bill allows the
4 Department, and counties and cities, to relinquish to each other state highways and
5 county and city roads, as applicable, provided that: (1) the parties agree in writing
6 to the relinquishment; (2) the governing body of the recipient entity adopts a
7 resolution consenting thereto; and (3) the highway or road is in good repair, or the
8 parties agree to other equitable compensation or considerations. This bill also
9 requires the Department, in cooperation with local governments, to develop a
10 procedural document addressing the process by which highways and roads are
11 relinquished.



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

1 **Section 1.** NRS 408.527 is hereby amended to read as follows:
2 408.527 1. Whenever the Department and the county or city
3 concerned have entered into ~~any~~ *a written* agreement providing
4 therefor, and the legislative body of the county or city has adopted a
5 resolution consenting thereto, the Board may relinquish to the
6 county or city ~~any~~ :

7 (a) Any portion of any state highway which has been deleted
8 from the state highway system by legislative enactment ~~[-The~~
9 ~~Department may likewise relinquish any]~~ ; or

10 (b) Any portion of any state highway which has been superseded
11 by relocation or which the Department determines exceeds its needs.

12 2. *Whenever the county or city concerned and the*
13 *Department have entered into a written agreement providing*
14 *therefor, and the Board has adopted a resolution consenting*
15 *thereto, the county or city may relinquish to the Department any*
16 *portion of any county or city road which the Department agrees*
17 *qualifies to join the state highway system.*

18 3. By resolution of the Board, the Department may upon
19 request relinquish to the Division of State Lands of the State
20 Department of Conservation and Natural Resources for the public
21 use of another state agency any portion of any state highway which
22 has been superseded by relocation or which the Department
23 determines exceeds its needs.

24 ~~[3-]~~ 4. Relinquishment must be made by a resolution. A
25 certified copy of the resolution must be filed with the legislative
26 body of the county or city concerned. The resolution must be
27 recorded in the office of the county recorder of the county where the
28 land is located and, upon recordation, all right, title and interest of
29 the State in and to that portion of any state highway vests in the
30 county, city or division, as the case may be.

31 ~~[4-]~~ 5. Nothing in NRS 408.523 limits the power of the Board
32 to relinquish abandoned or vacated portions of a state highway to a
33 county, city or the Division.

34 ~~[5-]~~ 6. If the Board relinquishes property pursuant to
35 subsection ~~[4-]~~ 5, and the purpose for which the property was
36 relinquished is abandoned or ceases to exist, then ~~[-~~

37 ~~—(a) If the]~~ , *absent an agreement or a provision of law to the*
38 *contrary, and regardless of the* interest of the Department in the
39 property before it was relinquished , ~~[was held in fee simple,]~~ all
40 right, title and interest ~~[of]~~ *in the property shall vest in* the county,
41 city or Division ~~[reverts]~~ *without reversion* to the Department.



~~[(b) If the interest of the Department in the property before it was relinquished was an easement or other lesser interest, the county, city or Division may abandon or vacate the property without reversion to the Department.]~~

7. The Board may accept from a county or city any portion of any county or city road which has changed in function such that it has risen to the level of functioning as a state highway. Such a road may be traded for any portion of any state highway relinquished by the Department or accepted by the Department after equitable compensation or trade values have been negotiated and agreed to in writing.

8. A county or city may accept from the Department any portion of any state highway which no longer functions to support the state highway system and which exceeds the needs of the Department. Such a highway may be traded for any portion of any county or city road relinquished by the county or city or accepted by the county or city after equitable compensation or trade values have been negotiated and agreed to in writing.

9. Any portion of a state highway or county or city road that is relinquished or traded pursuant to this section must be placed in good repair, or the parties must establish and agree in writing to equitable monetary compensation. If any highways or roads, or portions thereof, to be relinquished or traded are not of comparable value, the parties must negotiate and agree in writing to equitable monetary compensation or equitable trade considerations.

~~[(6-)]~~ *10. The Department, in cooperation with local governments, shall develop a procedural document which addresses the process by which highways and roads are relinquished. The Board must approve the procedural document and any modifications thereto.*

11. The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.

