

Amendment No. 755

Senate Amendment to Assembly Bill No. 18 First Reprint	(BDR 35-363)
Proposed by: Senate Committee on Transportation	
Amends: Summary: No Title: No 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 underlining* is newly added transitory language.

EWR/MSM



Date: 5/18/2013

A.B. No. 18—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)



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:

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

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

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

1 (a) Any portion of any state highway which has been deleted from the state
2 highway system by legislative enactment ~~†The Department may likewise~~
3 ~~relinquish any† ; or~~

4 (b) Any portion of any state highway which has been superseded by relocation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

6 2. *Whenever the county or city concerned and the Department have entered*
7 *into a written agreement providing therefor, and the Board has adopted a*
8 *resolution consenting thereto, the county or city may relinquish to the*
9 *Department any portion of any county or city road which the Department agrees*
10 *qualifies to join the state highway system.*

11 3. By resolution of the Board, the Department may upon request relinquish to
12 the Division of State Lands of the State Department of Conservation and Natural
13 Resources for the public use of another state agency any portion of any state
14 highway which has been superseded by relocation or which the Department
15 determines exceeds its needs.

16 ~~†3†~~ 4. Relinquishment must be made by a resolution. A certified copy of the
17 resolution must be filed with the legislative body of the county or city concerned.
18 The resolution must be recorded in the office of the county recorder of the county
19 where the land is located and, upon recordation, all right, title and interest of the
20 State in and to that portion of any state highway vests in the county, city or
21 division, as the case may be.

22 ~~†4†~~ 5. Nothing in NRS 408.523 limits the power of the Board to relinquish
23 abandoned or vacated portions of a state highway to a county, city or the Division.

24 ~~†5†~~ 6. If the Board relinquishes property pursuant to subsection ~~†4†~~ 5, and
25 the purpose for which the property was relinquished is abandoned or ceases to exist,
26 then ~~†~~

27 ~~—(a) If the† , absent an agreement or a provision of law to the contrary, and~~
28 ~~regardless of the~~ interest of the Department in the property before it was
29 relinquished , ~~†was held in fee simple,†~~ all right, title and interest ~~†of†~~ in the
30 *property shall vest in the county, city or Division †reverts† without reversion* to the
31 Department.

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

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

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

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

~~10. The Department, in cooperation with local governments, shall~~
~~develop a~~ adopt regulations governing procedural ~~document which addresses~~
documents that address 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.