

Amendment No. 32

Senate Amendment to Senate Bill No. 14 (BDR 43-362)

Proposed by: Senate Committee on Transportation**Amends:** Summary: Yes Title: Yes 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.

AMI/JRS



Date: 3/28/2013

S.B. No. 14—Revises certain provisions governing highways under the jurisdiction of the Department of Transportation. (BDR 43-362)



SENATE BILL NO. 14—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION)

PREFILED DECEMBER 19, 2012

Referred to Committee on Transportation

SUMMARY—Revises ~~for certain~~ provisions governing highways under the jurisdiction of the Department of Transportation. (BDR 43-362)

FISCAL NOTE: Effect on Local Government: No.
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 Director of the Department of Transportation to reduce the maximum weight limits on ~~for certain highways~~ any highway under the jurisdiction of the Department for a specified period under certain circumstances; ~~revising the provisions that require the Department to consider certain factors and to receive approval from~~ requiring the Director to provide an informational report to the Board of Directors of the Department ~~before reducing~~ if the Director reduces the maximum weight limits on ~~for certain~~ those highways; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Transportation to restrict the use of, or close, a highway under certain circumstances, including when the Director considers the closing or restriction of use necessary for the protection of the public. (NRS 408.210) Existing law also requires the Department to consider certain factors and receive approval from the Board of Directors of the Department before reducing the maximum weight limits for vehicles on a highway under its jurisdiction. (NRS 484D.655) This bill ~~limits the scope of that requirement by making it applicable only to a highway or a portion of a highway which is designated as a scenic route. Further, this bill~~ ;(1) authorizes the Director to reduce the maximum weight limits for vehicles on a highway under the jurisdiction of the Department ; including a bridge located on the highway, without regard to the considerations and approval required under existing law if the Director considers that restriction of use necessary for the protection of the public ; ~~The Director is also authorized, under certain circumstances, to reduce the maximum weight limits for vehicles on a bridge located on such a highway without regard to the considerations and approval required under existing law.~~ ;(2) limits a reduction in the maximum weight limits on such a highway to a period of not more than 180 days; and (3) requires the Director to provide, within a specified period, an informational report to the Board of Directors that describes a reduction made to the maximum weight limits on such a highway.

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

Section 1. NRS 484D.655 is hereby amended to read as follows:

484D.655 **1. The Director of the Department of Transportation ~~may~~:**

(a) ~~May~~, pursuant to paragraph (a) of subsection 1 of NRS 408.210, reduce the maximum weight limits as prescribed in NRS 484D.635, 484D.640 and 484D.645 on a highway under the jurisdiction of the Department of Transportation, including, without limitation, a bridge located on the highway ~~for a period of not more than 180 days.~~

(b) ~~Shall provide an informational report to the Board of Directors of the Department of Transportation that describes any reduction to the maximum weight limits made pursuant to paragraph (a) within 60 days after the Director of the Department of Transportation makes the reduction.~~

2. Except as otherwise provided in **subsection 1 and** NRS 484D.660, before the Department of Transportation reduces the maximum weight limits as prescribed in NRS 484D.635, 484D.640 and 484D.645 on a highway **or a portion of a highway** under its jurisdiction, ~~which is designated as a scenic route pursuant to NRS 408.213,~~ the Department of Transportation shall:

~~1-1~~ **(a) Consider:**

~~1-1~~ **(1)** The average number of vehicles traveling on the highway each day;

~~1-1~~ **(2)** The number of vehicles that have a declared gross weight in excess of 26,000 pounds that are included in the average number pursuant to ~~paragraph (a);~~

~~1-1~~ **(e) subparagraph (1):**

(3) The availability of alternate routes to the highway;

~~1-1~~ **(4)** The impact on each alternate route of increased traffic consisting of vehicles that have a declared gross weight in excess of 26,000 pounds;

~~1-1~~ **(5)** The number of traffic accidents involving a vehicle that has a declared gross weight in excess of 26,000 pounds on the highway in the past 5 years;

~~1-1~~ **(6)** Any projected adverse economic or environmental impact resulting from reducing the maximum weight limits on the highway; and

~~1-1~~ **(7)** Any other factors the Department of Transportation deems appropriate; and

~~1-1~~ **(b)** Present such considerations to the Board of Directors of the Department of Transportation to receive the Board's approval to reduce the maximum weight limits pursuant to this section.

Sec. 2. NRS 408.210 is hereby amended to read as follows:

408.210 **1. ~~That~~ Except as otherwise provided in NRS 484D.655, the** Director of the Department of Transportation may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Office of Economic Development or the Director of the Department of Tourism and Cultural Affairs.

2. The Director of the Department of Transportation may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding

1 in opposite directions or from vehicular turning movements or cross-traffic, by
2 constructing curbs, central dividing sections or other physical dividing lines, or by
3 signs, marks or other devices in or on the highway appropriate to designate the
4 dividing line.

5 (b) Lay out and construct frontage roads on and along any highway or freeway
6 and divide and separate any such frontage road from the main highway or freeway
7 by means of curbs, physical barriers or by other appropriate devices.

8 3. The Director may remove from the highways any unlicensed encroachment
9 which is not removed, or the removal of which is not commenced and thereafter
10 diligently prosecuted, within 5 days after personal service of notice and demand
11 upon the owner of the encroachment or the owner's agent. In lieu of personal
12 service upon that person or agent, service of the notice may also be made by
13 registered or certified mail and by posting, for a period of 5 days, a copy of the
14 notice on the encroachment described in the notice. Removal by the Department of
15 the encroachment on the failure of the owner to comply with the notice and demand
16 gives the Department a right of action to recover the expense of the removal, cost
17 and expenses of suit, and in addition thereto the sum of \$100 for each day the
18 encroachment remains beyond 5 days after the service of the notice and demand.

19 4. If the Director determines that the interests of the Department are not
20 compromised by a proposed or existing encroachment, the Director may issue a
21 license to the owner or the owner's agent permitting an encroachment on the
22 highway. Such a license is revocable and must provide for relocation or removal of
23 the encroachment in the following manner. Upon notice from the Director to the
24 owner of the encroachment or the owner's agent, the owner or agent may propose a
25 time within which he or she will relocate or remove the encroachment as required.
26 If the Director and the owner or the owner's agent agree upon such a time, the
27 Director shall not himself or herself remove the encroachment unless the owner or
28 the owner's agent has failed to do so within the time agreed. If the Director and the
29 owner or the owner's agent do not agree upon such a time, the Director may
30 remove the encroachment at any time later than 30 days after the service of the
31 original notice upon the owner or the owner's agent. Service of notice may be made
32 in the manner provided by subsection 3. Removal of the encroachment by the
33 Director gives the Department the right of action provided by subsection 3, but the
34 penalty must be computed from the expiration of the agreed period or 30-day
35 period, as the case may be.

36 ~~Sec. 2.~~ **Sec. 3.** This act becomes effective upon passage and approval.