

SENATE BILL NO. 478—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 23, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to regional transportation commissions. (BDR 22-1111)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 regional transportation commissions; limiting the liability of a private operator who contracts with such a commission to operate a public transit system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a regional transportation commission to enter into a contract with a private operator for the provision of a public transit system. (NRS 277A.280) Existing law also imposes certain conditions and limitations on the liability of a regional transportation commission and any other political subdivision of the State in certain legal proceedings. Among other things, in any action sounding in tort and brought against a political subdivision, an award of damages is limited to \$100,000, and no award of exemplary or punitive damages may be made. (NRS 41.035)

If a regional transportation commission enters into a contract with a private operator as described above and an action is brought against the private operator arising out of the operation of the transit system, this bill generally provides that the limitations on liability and damages that apply to the regional transportation commission are also applicable to the private operator. This bill provides that the statutory cap on tort damages does not limit the amount of medical expenses for which the private operator may be liable.



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

Section 1. NRS 277A.280 is hereby amended to read as follows:

277A.280 1. A commission, a county whose population is less than 100,000 or a city within such a county may establish or operate a public transit system consisting of:

(a) Regular routes and fixed schedules to serve the public;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or a city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

2. A commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system. *If a commission enters into a contract with a private operator who is an independent contractor for the provision of such a system and an action is brought against the private operator, arising out of the operation of the system, that would, if brought against the commission, be subject to the provisions of NRS 41.0305 to 41.039, inclusive:*

(a) Except as otherwise provided in paragraph (b), the private operator is liable for damages in such an action only if and to the extent that the commission would have been liable if the action had been brought against the commission.

(b) The provisions of NRS 41.035 do not limit the liability of the private operator for medical expenses.

3. In a county whose population is less than 700,000, such a system may also provide service which includes:

(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the Nevada Transportation Authority



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1 pursuant to NRS 706.386 to 706.411, inclusive, and the service is
2 subject to the rules and regulations adopted by the Nevada
3 Transportation Authority for a fully regulated carrier.

4 4. Notwithstanding the provisions of chapter 332 of NRS or
5 NRS 625.530, a commission may utilize a turnkey procurement
6 process to select a person to design, build, operate and maintain, or
7 any combination thereof, a fixed guideway system, including,
8 without limitation, any minimum operable segment thereof. The
9 commission shall determine whether to utilize turnkey procurement
10 for a fixed guideway project before the completion of the
11 preliminary engineering phase of the project. In making that
12 determination, the commission shall evaluate whether turnkey
13 procurement is the most cost-effective method of constructing the
14 project on schedule and in satisfaction of its transportation
15 objectives.

16 5. Notwithstanding the provisions of chapter 332 of NRS, a
17 commission may utilize a competitive negotiation procurement
18 process to procure rolling stock for a fixed guideway project, rolling
19 stock for a public transit system, facilities and any other equipment
20 that is related to public transportation. The award of a contract under
21 such a process must be made to the person whose proposal is
22 determined to be the most advantageous to the commission, based
23 on price and other factors specified in the procurement documents.

24 6. If a commission develops a fixed guideway project, the
25 Department of Transportation is hereby designated to serve as the
26 oversight agency to ensure compliance with the federal safety
27 regulations for rail fixed guideway systems set forth in 49 C.F.R.
28 Part 659.

29 7. As used in this section:

30 (a) "Fully regulated carrier" means a common carrier or contract
31 carrier of passengers or household goods who is required to obtain
32 from the Nevada Transportation Authority a certificate of public
33 convenience and necessity or a contract carrier's permit and whose
34 rates, routes and services are subject to regulation by the Nevada
35 Transportation Authority.

36 (b) "Minimum operable segment" means the shortest portion of
37 a fixed guideway system that is technically capable of providing
38 viable public transportation between two end points.

39 (c) "Turnkey procurement" means a competitive procurement
40 process by which a person is selected by a commission, based on
41 evaluation criteria established by the commission, to design, build,
42 operate and maintain, or any combination thereof, a fixed guideway
43 system, or a portion thereof, in accordance with performance criteria
44 and technical specifications established by the commission.



1 **Sec. 2.** This act becomes effective on July 1, 2015.

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