

**Amendment No. 938**

Assembly Amendment to Senate Bill No. 149 Second Reprint (BDR 22-318)

**Proposed by:** Assemblyman Daly

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DLJ/JRS



Date: 5/25/2017

S.B. No. 149—Revises provisions governing regional transportation commissions.  
(BDR 22-318)





## SENATE BILL NO. 149—SENATORS MANENDO AND HAMMOND

PREFILED FEBRUARY 13, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions governing regional transportation commissions.  
(BDR 22-318)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to regional transportation commissions; authorizing ~~to~~ ***certain*** regional transportation ~~commission~~ ***commissions*** to provide grants of money for the research, development or implementation of transportation projects that use new technologies; authorizing ~~to~~ ***certain*** regional transportation ~~commission~~ ***commissions*** to enter into agreements with private entities for certain projects; authorizing ~~to~~ ***certain*** regional transportation ~~commission~~ ***commissions*** to recommend the imposition of certain taxes to fund the transportation projects of the commission; ~~to~~ ***and to submit the recommendation to the board of county commissioners which created the commission;*** authorizing the board of county commissioners to submit the recommendation for the imposition of such taxes to the voters of the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; revising provisions governing the composition of regional transportation commissions; authorizing ~~to~~ ***certain*** regional transportation ~~commission~~ ***commissions*** to develop and maintain high-capacity transit systems; authorizing ~~to~~ ***certain*** regional transportation ~~commission~~ ***commissions*** to adopt rules for the parking of unauthorized vehicles at facilities of the commission and the imposition of fees for the use of services or facilities of the commission; repealing provisions requiring certain regional transportation commissions to establish a regional rapid transit authority; revising various provisions relating to the powers and duties of regional transportation commissions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law provides that a county may, by ordinance, create a regional transportation
- 2 commission if a streets and highways plan has been adopted by the county or regional

3 planning commission. (NRS 277A.170) Existing law also provides a regional transportation  
4 commission the exclusive right to operate a system of public transportation within its  
5 jurisdiction, as well as enter into contracts, leases and agreements with state agencies and  
6 local governments to perform its functions. (NRS 277A.270)

7 **Section 3** of this bill authorizes a regional transportation commission in a county whose  
8 population is 700,000 or more (currently only Clark County) to: (1) provide grants of  
9 money to conduct research for and otherwise develop and implement certain transportation  
10 projects; ~~and~~ (2) enter into agreements with private entities for certain transportation projects  
11 in accordance with federal law. 11: (3) impose civil penalties for unauthorized parking at a  
12 transportation facility; and (4) impose fees for the use of services or facilities of the  
13 commission.

14 **Section ~~113 of this bill~~ 3** also authorizes such a regional transportation commission to  
15 construct, develop and operate a high-capacity transit system with the approval of the county  
16 or city which owns any public right-of-way. **Section 3.5** of this bill requires such a regional  
17 transportation commission to enter into agreements with other local governments to  
18 coordinate and collaborate on the development of a project or high-capacity transit system and  
19 to share the costs related to such projects. If such a regional transportation commission enters  
20 into such an agreement, **section 4** of this bill requires the commission to create and administer  
21 an account that will hold any money appropriated by the commission or a local government in  
22 accordance with the agreement. **Section ~~114~~ 3.7** of this bill authorizes such a regional  
23 transportation commission to use a turnkey procurement process or competitive negotiation  
24 process in connection with a high-capacity transit project.

25 **Sections 5 and 6** of this bill provide that such a regional transportation commission ~~in~~  
26 ~~certain larger counties (currently Clark and Washoe Counties)~~ may recommend the  
27 imposition of an additional tax on the gross receipts of any retailer from the sale of all tangible  
28 personal property sold at retail. The recommendations of the commission must specify the rate of  
29 the recommended tax, the period during which the recommended tax will be imposed and  
30 the type and location of the transportation projects the recommended tax would support, if the  
31 commission submits its recommendations to the board of county commissioners, the board of  
32 county commissioners may submit a question to the voters at the next general election asking  
33 whether the tax recommended by the commission should be imposed in the county. If a  
34 majority of the voters approve the question, the board of county commissioners is required to  
35 impose the approved tax at the rate specified in the question submitted to the voters. **Section 7**  
36 of this bill provides that the proceeds resulting from the imposition of such taxes must be  
37 remitted to the commission for its use in accordance with the provisions of existing law  
38 governing regional transportation commissions.

39 ~~Existing law generally sets forth the authority and powers of a regional transportation~~  
40 ~~commission. (NRS 277A.160, 277A.210, 277A.250) Section 10 of this bill requires that the~~  
41 ~~provisions of existing law governing regional transportation commissions be liberally~~  
42 ~~construed as to allow a regional transportation commission to meet any of its objectives.~~

43 Existing law requires a regional transportation commission in certain larger counties  
44 (currently Clark and Washoe Counties) to be composed of members of the board of county  
45 commissioners and the governing body of each city in the county. **Section 10.5** of this bill  
46 provides that if a mayor of a city in such a county is not a member of the governing body of  
47 the city, the governing body may appoint the mayor to be a member of the regional  
48 transportation commission.

49 ~~Section 12 of this bill authorizes a regional transportation commission to impose: (1) civil~~  
50 ~~penalties for the unauthorized parking of a vehicle at a transportation facility; and (2) fees for~~  
51 ~~the use of commission services or facilities.~~

52 Existing law requires the regional transportation commission in any county whose  
53 population is 700,000 or more (currently Clark County) to establish a regional rapid transit  
54 authority. **Section 18** of this bill repeals that provision.

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

Section 1. Chapter 277A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ~~["High-capacity transit"]~~ As used in sections 2 to 7, inclusive, of this act, "high-capacity transit" means a public transit system that may provide a higher level of passenger capacity by increasing, without limitation, the number of vehicles utilized by the system, the size of the vehicles, the frequency of vehicle rides, travel speed or any combination thereof, and that operates in conjunction with public transit stations. The term includes, without limitation, bus rapid transit, fixed guideway, light rail transit, commuter rail, streetcar and heavy rail.

Sec. 2.5. The provisions of sections 2 to 7, inclusive, of this act apply only to a commission in a county whose population is 700,000 or more.

Sec. 2.7. The provisions of sections 2 to 7, inclusive, of this act, being necessary to secure and preserve the public health, safety, convenience and welfare, shall be so interpreted and liberally construed as to:

1. Make uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation; and

2. Effect any other purpose and objective for which the provisions of sections 2 to 7, inclusive, of this act are intended.

Sec. 3. A commission may:

1. Provide grants of money to conduct research for and otherwise develop and implement transportation projects that promote innovative transportation and transit technology, including, without limitation, autonomous technology as defined in NRS 482A.025.

2. Enter into agreements in accordance with 49 U.S.C. § 5315 and any guidelines adopted pursuant thereto.

3. Operate, develop and maintain a high-capacity transit system, to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.

4. Construct high-capacity transit systems in the county or a city within the county which owns a public right-of-way if the county or city within the county approves of such construction.

5. Adopt regulations regarding:

(a) Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations; and

(b) The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities.

Sec. 3.5. 1. Except as otherwise provided in subsection 2, before constructing a transportation project or high-capacity transit system, a commission shall enter into agreements with any county, city, town and other political subdivision to coordinate and collaborate on the development of the transportation project or high-capacity transit system, including, without limitation, the use of public rights-of-way and the sharing of costs related to such a project.

2. A commission may make changes to bus schedules and bus routes and relocate bus stops within the public right-of-way without executing an agreement pursuant to subsection 1.

1        Sec. 3.7. 1. Notwithstanding the provisions of chapter 332 of NRS or  
2 NRS 625.530, a commission may utilize a turnkey procurement process to select a  
3 person to design, build, finance, operate and maintain, or any combination  
4 thereof, a high-capacity transit system, including, without limitation, any  
5 minimum operable segment thereof. The commission shall determine whether to  
6 utilize turnkey procurement for a high-capacity transit project before the  
7 completion of the preliminary engineering phase of the project. In making that  
8 determination, the commission shall evaluate whether turnkey procurement is the  
9 most cost-effective method of constructing the project on schedule and in  
10 satisfaction of its transportation objectives.

11        2. Notwithstanding the provisions of chapter 332 of NRS, a commission  
12 may utilize a competitive negotiation procurement process to procure rolling  
13 stock for a high-capacity transit project and any other equipment that is related to  
14 the project. The award of a contract under such a process must be made to the  
15 person whose proposal is determined to be the most advantageous to the  
16 commission, based on price and other factors specified in the procurement  
17 documents.

18        3. If a commission develops a high-capacity transit project, the Department  
19 of Transportation is hereby designated to serve as the oversight agency to ensure  
20 compliance with the federal safety regulations for rail fixed guideway systems set  
21 forth in 49 C.F.R. Part 659.

22        4. As used in this section:

23        (a) "Minimum operable segment" means the shortest portion of a high-  
24 capacity transit system that is technically capable of providing viable public  
25 transportation between two end points.

26        (b) "Turnkey procurement" means a competitive procurement process by  
27 which a person is selected by a commission, based on evaluation criteria  
28 established by the commission, to design, build, operate and maintain, or any  
29 combination thereof, a high-capacity transit system, or a portion thereof, in  
30 accordance with performance criteria and technical specifications established by  
31 the commission.

32        Sec. 4. If a commission enters into an agreement with a county, city, town  
33 or other political subdivision to share costs relating to a transportation project  
34 pursuant to section 3.5 of this act, the commission shall create an account  
35 administered by the commission and deposit into such account any money  
36 appropriated by each participating entity in accordance with the amounts  
37 established under the agreement. The money in the account, including any  
38 interest and income earned on the money in the account, must not be transferred  
39 to any other fund or account or used for any purpose other than the purposes set  
40 forth in the agreement entered into pursuant to section 3.5 of this act.

41        Sec. 5. 1. ~~In a county whose population is 100,000 or more, a~~ A  
42 commission may:

43        (a) Prepare recommendations for the imposition of the tax described in  
44 section 6 of this act in the county to provide funding for the commission for the  
45 purposes set forth in ~~this chapter,~~ sections 2 to 7, inclusive, of this act. The  
46 recommendations must specify the proposed rate for the recommended tax, the  
47 period during which the recommended tax will be imposed and the type and  
48 location of the transportation projects the recommended tax will support.

49        (b) Submit the recommendations to the board of county commissioners.

50        2. Upon the receipt of recommendations pursuant to subsection 1, the board  
51 of county commissioners may, at the next general election, submit a question to  
52 the voters of the county asking whether the recommended tax should be imposed  
53 in the county. The question submitted to the voters of the county must specify the

1 *proposed rate for the recommended tax, the period during which the*  
2 *recommended tax will be imposed, if the period was specified in the*  
3 *recommendations submitted pursuant to subsection 1, and the type and location*  
4 *of the transportation projects the recommended tax will support.*

5 3. *If a majority of the voters voting on the question submitted to the voters*  
6 *pursuant to subsection 2 vote affirmatively on the question:*

7 (a) *The board of county commissioners shall impose the recommended tax in*  
8 *accordance with the provisions of section 6 of this act at the rate specified in the*  
9 *question submitted to the voters pursuant to subsection 2.*

10 (b) *The tax must be imposed notwithstanding the provisions of any specific*  
11 *statute to the contrary and, except as otherwise specifically provided in this*  
12 *section and sections 6 and 7 of this act, such tax is not subject to any limitations*  
13 *set forth in any statute which authorizes the board of county commissioners to*  
14 *impose such tax, including, without limitation, any limitations on the maximum*  
15 *rate which may be imposed or the duration of the period during which such tax*  
16 *may be imposed.*

17 **Sec. 6.** *Upon approval of the registered voters of a county voting on a*  
18 *question presented to the voters pursuant to section 5 of this act recommending*  
19 *the imposition of a tax on the gross receipts of any retailer from the sale of all*  
20 *tangible personal property sold at retail, or stored, used or otherwise consumed,*  
21 *in the county, the board of county commissioners shall impose a tax by ordinance*  
22 *on the gross receipts of any retailer from the sale of all tangible personal property*  
23 *sold at retail, or stored, used or otherwise consumed, in the county. The tax must*  
24 *be imposed throughout the county, including all cities within the county, upon all*  
25 *retailers in the business of selling tangible personal property. Any ordinance*  
26 *enacted under this subsection must include provisions in substance as follows:*

27 1. *Provisions substantially identical to those contained in chapter 374 of*  
28 *NRS, insofar as applicable.*

29 2. *A provision that all amendments to chapter 374 of NRS after the date of*  
30 *enactment of the ordinance, not inconsistent with this chapter, automatically*  
31 *become a part of the ordinance.*

32 3. *A provision that the county shall, before the effective date of the*  
33 *ordinance, contract with the Department to perform all functions incident to the*  
34 *administration or operation of the tax in the county.*

35 4. *A provision that a purchaser is entitled to a refund, in accordance with*  
36 *the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax*  
37 *required to be paid that is attributable to the tax imposed upon the sale of, and*  
38 *the storage, use or other consumption in a county of, tangible personal property*  
39 *used for the performance of a written contract for the construction of an*  
40 *improvement to real property, entered into on or before the effective date of the*  
41 *tax or the increase in the tax, or for which a binding bid was submitted before the*  
42 *date if the bid was afterward accepted, if under the terms of the contract or bid*  
43 *the contract price or bid amount cannot be adjusted to reflect the imposition of*  
44 *the tax or the increase in the tax.*

45 **Sec. 7.** *The proceeds of any tax imposed pursuant to sections 5 and 6 of*  
46 *this act must be remitted by the Department of Taxation to the commission for*  
47 *use in accordance with the provisions of ~~this chapter,~~ sections 2 to 7, inclusive,*  
48 *of this act.*

49 **Sec. 8.** ~~[NRS 277A.020 is hereby amended to read as follows:~~

50 ~~277A.020 As used in this chapter, unless the context otherwise requires, the~~  
51 ~~words and terms defined in NRS 277A.030 to 277A.150, inclusive, and section 2~~  
52 ~~of this act have the meanings ascribed to them in those sections.] **(Deleted by**~~  
53 ~~**amendment.)**~~

1       Sec. 9. ~~NRS 277A.120 is hereby amended to read as follows:~~

2       ~~277A.120 "Public transit system" means a system employing motor buses,~~  
3 ~~rails, high capacity transit or any other means of conveyance, by whatever type of~~  
4 ~~power, operated for public use in the conveyance of persons.] (Deleted by~~  
5 ~~amendment.)~~

6       Sec. 10. ~~NRS 277A.160 is hereby amended to read as follows:~~

7       ~~277A.160 This chapter, being necessary to secure and preserve the public~~  
8 ~~health, safety, convenience and welfare, shall be so interpreted and liberally~~  
9 ~~construed as to [make] +~~

10       ~~1. Make uniform so far as possible the laws and regulations of this State and~~  
11 ~~other states and of the government of the United States having to do with the~~  
12 ~~subject of transportation [.] , and~~

13       ~~2. Effect any other purpose and objective for which this chapter is~~  
14 ~~intended.] (Deleted by amendment.)~~

15       Sec. 10.5. NRS 277A.180 is hereby amended to read as follows:

16       277A.180 1. In counties whose population is 100,000 or more, the  
17 commission must be composed of representatives selected by the following entities  
18 : ~~from among their members:]~~

19       (a) Two by the board ~~from among its members.~~

20       (b) Two by the governing body of the largest city in the county ~~from among~~  
21 ~~its members or, if the mayor of the city is not a member of the governing body,~~  
22 ~~from among its members and the mayor of the city.~~

23       (c) One by the governing body of each additional city in the county ~~from~~  
24 ~~among its members or, if the mayor of the city is not a member of the governing~~  
25 ~~body, from among its members and the mayor of the city.~~

26       2. In counties whose population is less than 100,000, the commission must be  
27 composed of representatives selected as follows:

28       (a) If the county contains three or more cities:

29           (1) Two by the board.

30           (2) One by the governing body of the largest city.

31       (b) If the county contains only two cities:

32           (1) Three by the board, at least one of whom is a representative of the  
33 public who is a resident of the county.

34           (2) One by the governing body of each city in the county.

35       (c) If the county contains only one city:

36           (1) Two by the board.

37           (2) One by the governing body of the city.

38       (d) If the county contains no city, the board shall select:

39           (1) Two members of the board; and

40           (2) One representative of the public, who is a resident of the largest town,  
41 if any, in the county.

42       3. In Carson City, the commission must be composed of representatives  
43 selected by the Board of Supervisors as follows:

44       (a) Two members of the Board of Supervisors, one of whom must be  
45 designated by the commission to serve as chair of the commission.

46       (b) Three representatives of the city at large.

47       4. The first representatives must be selected within 30 days after passage of  
48 the ordinance creating the commission, and, except as otherwise provided in  
49 subsections 5, 6 and 7, must serve until the next ensuing December 31 of an even-  
50 numbered year. The representative of any city incorporated after passage of the  
51 ordinance must be selected within 30 days after the first meeting of the governing  
52 body, and, except as otherwise provided in subsection 7, must serve until the next



ensuing December 31 of an even-numbered year. Their successors must serve for terms of 2 years, and vacancies must be filled for the unexpired term.

5. In Carson City:

(a) One representative of the commission who is a member of the Board of Supervisors and one representative of the commission who is a representative of the city at large must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative of the commission who is a member of the Board of Supervisors and two representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered year.

6. In counties whose population is 100,000 or more, but less than 700,000:

(a) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an odd-numbered year.

7. In counties whose population is 700,000 or more, the first representatives and the representative of any city incorporated after passage of the ordinance must serve until the next ensuing June 30 of an odd-numbered year.

**Sec. 11.** NRS 277A.210 is hereby amended to read as follows:

277A.210 1. A commission may:

~~1-1~~ (a) Sue and be sued.

~~1-2~~ (b) Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.

~~1-3~~ (c) Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its control.

~~1-4~~ (d) Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.

~~1-5~~ (e) Purchase insurance or establish a reserve or fund for self-insurance, or adopt any combination of these, to insure against loss by reason of:

~~1-a~~ (1) Damages resulting from fire, theft, accident or other casualty; or

~~1-b~~ (2) The commission's liability for other damages to persons or property which occur in the construction or operation of facilities or equipment under its control or in the conduct of its activities.

**2. A commission shall have a perpetual succession, subject to termination in accordance with statute.**

**Sec. 12.** ~~NRS 277A.250 is hereby amended to read as follows:~~

~~277A.250 A commission may:~~

~~1. Acquire and own both real and personal property.~~

~~2. Exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves, for the acquisition, construction, repair or maintenance of public roads, or for any other purpose related to public mass transportation.~~

~~3. Sell, lease or convey or otherwise dispose of rights, interests or properties.~~

~~4. Adopt regulations for:~~

~~(a) Financing eligible activities; [and]~~

~~(b) Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations;~~

~~(c) The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities; and~~

~~(d) The operation of systems or services provided by the commission.~~  
**(Deleted by amendment.)**

**Sec. 13.** ~~[NRS 277A.270 is hereby amended to read as follows:~~

~~277A.270 1. A commission may:~~

~~(a) Operate, develop and maintain a system of public transportation, including, without limitation, a high capacity transit system, to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.~~

~~(b) Construct high capacity transit systems in the county or a city within the county which owns a public right of way if the county or city within the county approves of such construction.~~

~~(c) Use streets, roads, highways and other public rights of way for public transportation.~~

~~[(e)] (d) Enter into agreements for the joint use of facilities, installations and properties and the joint exercise of statutory powers.~~

~~[(d)] (e) Prohibit the use of any facility, installation or property owned, operated or leased by the commission, including, without limitation, a transit stop or bus turnout, by any person other than the commission or its agents.~~

~~[(e)] (f) Enter into contracts, leases and agreements with and accept grants and loans from federal and state agencies, counties, cities, towns, other political subdivisions, public or private corporations and other persons, and may perform all acts necessary for the full exercise of the powers vested in the commission.~~

~~2. The powers and duties of a commission set forth in this chapter do not apply to any monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695.~~

~~3. As used in this section, "bus turnout" means a fixed area that is:~~

~~(a) Adjacent or appurtenant to, or within a reasonable proximity of, a public highway; and~~

~~(b) To be occupied exclusively by buses in receiving or discharging passengers.~~  
**(Deleted by amendment.)**

**Sec. 14.** ~~[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.~~

~~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 pursuant to NRS 706.286 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the Nevada Transportation Authority for a fully regulated carrier.~~

~~4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, finance, operate and maintain, or any combination thereof, a [fixed guideway] high capacity transit system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a [fixed guideway] high capacity transit project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost effective method of constructing the project on schedule and in satisfaction of its transportation objectives.~~

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

~~6. If a commission develops a [fixed guideway] high capacity transit project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.~~

~~7. As used in this section:~~

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

~~(b) "Minimum operable segment" means the shortest portion of a [fixed guideway] high capacity transit system that is technically capable of providing viable public transportation between two end points.~~

~~(c) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a [fixed guideway] high capacity transit system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission. (Deleted by amendment.)~~

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 277A.345 is hereby repealed.

Sec. 19. This act becomes effective upon passage and approval.

---

---

**TEXT OF REPEALED SECTION**

---

---

**277A.345 Counties whose population is 700,000 or more: Establishment of regional rapid transit authority; development of plan for establishment of regional rapid transit system by authority.**

1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

(a) The general manager of the commission, who shall act as chair of the authority;

(b) One member appointed by the board of county commissioners;

(c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;

(d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;

(e) One member who is selected by the economic development authority in the county;

(f) One member selected by the Department of Transportation; and

(g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

(a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and

(b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

(a) Hold public meetings to, without limitation:

(1) Evaluate the need for and desirability of a regional rapid transit system;

(2) Assess corridor and route feasibility and desirability; and

(3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;

(b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:

(1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;

(2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:

(I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;

(II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and

(III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without limitation,

airports and existing or proposed special event venues such as stadiums and racetracks;

(3) Estimates as to capital and operating costs;

(4) An assessment of potential ridership and passenger demand;

(5) An assessment of the environmental impact;

(6) A potential project schedule; and

(7) An assessment of financing options and funding sources, including, without limitation:

(I) Processes for securing federal funding; and

(II) The potential for voter approval for bonds to support any portion of the regional rapid transit system.

4. On or before February 1 of each year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

(a) The activities and meetings of the authority;

(b) Any findings made by the authority regarding the analysis required by subsection 3; and

(c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.