

CHAPTER.....

AN ACT relating to regional transportation commissions; authorizing certain regional transportation commissions to provide grants of money for the research, development or implementation of transportation projects that use new technologies; authorizing certain regional transportation commissions to enter into agreements with private entities for certain projects; authorizing certain regional transportation commissions to recommend the imposition of certain taxes to fund the transportation projects of the commission 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 certain regional transportation commissions to develop and maintain high-capacity transit systems; authorizing certain regional transportation 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:

Existing law provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) Existing law also provides a regional transportation commission the exclusive right to operate a system of public transportation within its jurisdiction, as well as enter into contracts, leases and agreements with state agencies and local governments to perform its functions. (NRS 277A.270)

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



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

Sections 5 and 6 of this bill provide that such a regional transportation commission may recommend the imposition of an additional tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail. The recommendations of the commission must specify the rate of the recommended tax, the period during which the recommended tax will be imposed and the type and location of the transportation projects the recommended tax would support, if the commission submits its recommendations to the board of county commissioners, the board of county commissioners may submit a question to the voters at the next general election asking whether the tax recommended by the commission should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved tax at the rate specified in the question submitted to the voters. A board of county commissioners may only submit one such question to the voters, and any such general election must be held on or before December 31, 2020. **Section 7** of this bill provides that the proceeds resulting from the imposition of such taxes must be remitted to the commission for its use in accordance with the provisions of existing law governing regional transportation commissions.

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

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

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

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. *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.

Sec. 3.7. *1. 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 high-capacity transit system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a 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.*

2. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a high-capacity transit project and any other equipment that is related to the project. 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.

3. If a commission develops a 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.

4. As used in this section:

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

(b) "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 high-capacity transit system, or a portion thereof, in accordance with



performance criteria and technical specifications established by the commission.

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

Sec. 5. 1. Except as otherwise provided in subsection 4, a commission may:

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

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

2. Except as otherwise provided in subsection 5, upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners may, at the next general election, submit a question to the voters of the county asking whether the recommended tax should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1, and the type and location of the transportation projects the recommended tax will support.

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

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



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

4. A commission may not prepare and submit recommendations to the board of county commissioners pursuant to subsection 1 on or after December 31, 2020.

5. A board of county commissioners may only use the authorization provided pursuant to subsection 2 to submit a question to the voters of the county one time, and only if the next general election at which the question is submitted to the voters is held not later than December 31, 2020.

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

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

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

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

4. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in a county of, tangible personal



property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a binding bid was submitted before the date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

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

Secs. 8-10. (Deleted by amendment.)

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

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

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

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

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

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

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

(1) Two by the board.

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

(b) If the county contains only two cities:

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

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

(c) If the county contains only one city:

(1) Two by the board.

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

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

(1) Two members of the board; and

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



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

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

(b) Three representatives of the city at large.

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

H-H (a) Sue and be sued.



~~12-1~~ (b) Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.

~~13-1~~ (c) Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its control.

~~14-1~~ (d) Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.

~~15-1~~ (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:

~~16-1~~ (1) Damages resulting from fire, theft, accident or other casualty; or

~~16-1~~ (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.

Secs. 12-17. (Deleted by amendment.)

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

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

