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FIRST REPRINT

A.B. 270

ASSEMBLY BILL NO. 270—ASSEMBLYWOMAN PETERS

MARCH 15, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions related to transportation.
(BDR 22-579)

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 transportation; authorizing a regional transportation commission to sell certain property acquired through eminent domain proceedings or threat thereof at a public auction; authorizing certain public transit systems to provide microtransit services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a regional transportation commission, under certain circumstances, to exercise the power of eminent domain. (NRS 277A.250) **Section 1** of this bill, with limited exception, authorizes a regional transportation commission to sell at a public auction property acquired through eminent domain proceedings or purchased under the threat of eminent domain proceedings that is no longer needed for public use. **Section 2** of this bill makes a conforming change.

Existing law authorizes a public transit system established in a county whose population is less than 700,000 to: (1) provide transportation services that deviate from the regular routes and fixed schedules of the public transit system if the deviation does not exceed one-half mile; and (2) provide transportation to certain persons upon request without regard to regular routes or fixed schedules of the public transit system by a common motor carrier which has a certificate of public convenience and necessity issued by the Nevada Transportation Authority and is subject to the rules and regulations adopted by the Nevada Transportation Authority. (NRS 277A.280) **Section 1.5** of this bill additionally authorizes such a public transit system to provide transportation to certain persons upon request and without regard to regular routes or fixed schedules by use of microtransit, which is transportation by a multipassenger vehicle that carries fewer passengers than the vehicles normally used on regular routes and is dispatched through a digital network or software application service.



* A B 2 7 0 R 1 *

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 a new section to read as follows:

1. Except as otherwise provided in NRS 37.270 and except as otherwise provided by federal law, all real property, interests therein or improvements thereon and personal property acquired by a commission pursuant to chapter 37 of NRS or purchased under the threat of eminent domain proceedings may, after approval by the commission and if no longer needed for reasonable public use, be disposed of in accordance with the provisions of subsection 2, except that:

(a) If the property was originally donated to the commission, no charge may be made if the property is returned to the original owner or to the holder of the reversionary right.

(b) If in the opinion of the commission, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner;

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public street or highway; or

(4) The property is too small to establish an economically viable use by anyone other than an adjoining property owner, the commission may sell, lease, convey or otherwise dispose of the property for a reasonable price as determined by resolution to be in the best interest of the commission.

(c) When the property is sought by another public agency for a reasonable public use, the commission may first offer the property to the public agency at its fair market value pursuant to NRS 277.050.

2. All property, interests or improvements not included within the provisions of paragraph (a), (b) or (c) of subsection 1 must first be offered for sale by the commission singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the commission's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auction and opening of bids must be conducted by the commission. If the property cannot be sold for 90 percent or more of its fair market value, the



1 *commission may enter into a written listing agreement with a*
2 *person licensed pursuant to chapter 645 of NRS to sell, lease,*
3 *convey or otherwise dispose of the property for a reasonable price*
4 *as determined by resolution to be in the best interest of the*
5 *commission.*

6 3. *It is conclusively presumed in favor of the commission and*
7 *any purchaser for value that the commission acted within its*
8 *lawful authority in acquiring and disposing of the property, and*
9 *executing any conveyance vesting title in the purchaser. All such*
10 *conveyances must be quitclaim in nature, and the commission*
11 *shall not warrant title, furnish title insurance or pay the tax on*
12 *transfer of real property.*

13 4. *No person has a right of action against the commission or*
14 *its employees for a violation of this section.*

15 5. *The commission may reserve and except easements, rights*
16 *or interests from the conveyance of any real property disposed of*
17 *in accordance with this section. The easements, rights or interests*
18 *include, without limitation:*

19 (a) *Abutter's rights of light, view or air.*

20 (b) *Easements of access to and from abutting land.*

21 (c) *Covenants prohibiting the use of signs, structures or*
22 *devices advertising activities not conducted, services not rendered*
23 *or goods not produced or available on the real property.*

24 **Sec. 1.5.** NRS 277A.280 is hereby amended to read as
25 follows:

26 277A.280 1. A commission, a county whose population is
27 less than 100,000 or a city within such a county may establish or
28 operate a public transit system consisting of:

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

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

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

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

41 2. A commission may lease vehicles to or from or enter into
42 other contracts with a private operator for the provision of such a
43 system.

44 3. In a county whose population is less than 700,000, such a
45 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 706.386 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.

(c) 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 microtransit.

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, operate and maintain, or any combination thereof, a fixed guideway system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a fixed guideway 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 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 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



1 convenience and necessity or a contract carrier's permit and whose
2 rates, routes and services are subject to regulation by the Nevada
3 Transportation Authority.

4 (b) *"Microtransit" means transportation by a multipassenger*
5 *vehicle that carries fewer passengers than the vehicles normally*
6 *used on regular routes and is dispatched through a digital network*
7 *or software application service.*

8 (c) "Minimum operable segment" means the shortest portion of
9 a fixed guideway system that is technically capable of providing
10 viable public transportation between two end points.

11 ~~[(e)]~~ (d) "Turnkey procurement" means a competitive
12 procurement process by which a person is selected by a commission,
13 based on evaluation criteria established by the commission, to
14 design, build, operate and maintain, or any combination thereof, a
15 fixed guideway system, or a portion thereof, in accordance with
16 performance criteria and technical specifications established by the
17 commission.

18 **Sec. 2.** NRS 37.260 is hereby amended to read as follows:

19 37.260 1. Except as otherwise provided in NRS 37.270, any
20 real property, interest therein or improvement thereon which has
21 been acquired in accordance with the provisions of this chapter or
22 purchased under the threat of eminent domain proceedings by an
23 association, commission, corporation, partnership or political
24 subdivision other than a county, ~~[(e)]~~ incorporated city *or regional*
25 *transportation commission created pursuant to NRS 277A.170*
26 may be disposed of as surplus by that entity only in accordance with
27 the provisions of this section.

28 2. The governing body of the entity desiring to dispose of the
29 property pursuant to this section must first adopt a resolution
30 declaring that the property is no longer required for the purposes for
31 which it was acquired or for other reasonable public use.

32 3. The property, interest or improvement disposed of pursuant
33 to this section must be sold by the entity to the highest bidder
34 bidding for the property, either at public auction or by sealed bids,
35 the notice and terms of which must be published in a newspaper of
36 general circulation in the county where the property is situated at
37 least once not less than 15 nor more than 45 days before the sale.
38 When, in the opinion of the governing body of the entity, the
39 property cannot be sold by means of public auction or sealed bids
40 without working an undue hardship upon a property owner either as
41 a result of a severance of that owner's property or a denial of access
42 to a public street or highway, the governing body may first offer the
43 property to that owner at a price determined by the governing body
44 to be in the best interest of the corporation, partnership, association,
45 commission or political subdivision.



1 4. If property is disposed of pursuant to this section, it is
2 conclusively presumed in favor of any purchaser for value and
3 without notice of any such real property, interest therein or
4 improvement thereon conveyed pursuant to this section that the
5 entity disposing of it acted within its lawful authority in acquiring
6 and disposing of the property, and that the officers thereof acted
7 within their lawful authority in executing any conveyance vesting
8 title in the purchaser. All such conveyances must be quitclaim in
9 nature and must not carry any warranty of title.

