

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 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 any highway under the jurisdiction of the Department for a specified period under certain circumstances; requiring the Director to provide an informational report to the Board of Directors of the Department if the Director reduces the maximum weight limits on those highways; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes the Director of the Department of Transportation to  
2 restrict the use of, or close, a highway under certain circumstances, including when  
3 the Director considers the closing or restriction of use necessary for the protection  
4 of the public. (NRS 408.210) Existing law also requires the Department to consider  
5 certain factors and receive approval from the Board of Directors of the Department  
6 before reducing the maximum weight limits for vehicles on a highway under its  
7 jurisdiction. (NRS 484D.655) This bill: (1) authorizes the Director to reduce the  
8 maximum weight limits for vehicles on a highway under the jurisdiction of  
9 the Department, including a bridge located on the highway, without regard to the  
10 considerations and approval required under existing law if the Director considers  
11 that restriction of use necessary for the protection of the public; (2) limits a  
12 reduction in the maximum weight limits on such a highway to a period of not more  
13 than 180 days; and (3) requires the Director to provide, within a specified period,  
14 an informational report to the Board of Directors that describes a reduction made to  
15 the maximum weight limits on such a highway.



\* S B 1 4 R 1 \*

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

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

3 484D.655 *1. The Director of the Department of*  
4 *Transportation:*

5 *(a) May, pursuant to paragraph (a) of subsection 1 of NRS*  
6 *408.210, reduce the maximum weight limits as prescribed in NRS*  
7 *484D.635, 484D.640 and 484D.645 on a highway under the*  
8 *jurisdiction of the Department of Transportation, including,*  
9 *without limitation, a bridge located on the highway, for a period of*  
10 *not more than 180 days.*

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

16 **2.** Except as otherwise provided in *subsection 1 and* NRS  
17 484D.660, before the Department of Transportation reduces the  
18 maximum weight limits as prescribed in NRS 484D.635, 484D.640  
19 and 484D.645 on a highway *or a portion of a highway* under its  
20 jurisdiction, the Department of Transportation shall:

21 ~~1~~ *(a) Consider:*

22 ~~1~~ *(1) The average number of vehicles traveling on the*  
23 *highway each day;*

24 ~~1~~ *(2) The number of vehicles that have a declared gross*  
25 *weight in excess of 26,000 pounds that are included in the average*  
26 *number pursuant to ~~paragraph (a);~~*

27 ~~1~~ *—(c) subparagraph (1):*

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

29 ~~1~~ *(4) The impact on each alternate route of increased traffic*  
30 *consisting of vehicles that have a declared gross weight in excess of*  
31 *26,000 pounds;*

32 ~~1~~ *(5) The number of traffic accidents involving a vehicle that*  
33 *has a declared gross weight in excess of 26,000 pounds on the*  
34 *highway in the past 5 years;*

35 ~~1~~ *(6) Any projected adverse economic or environmental*  
36 *impact resulting from reducing the maximum weight limits on the*  
37 *highway; and*

38 ~~1~~ *(7) Any other factors the Department of Transportation*  
39 *deems appropriate; and*

40 ~~1~~ *(b) Present such considerations to the Board of Directors of*  
41 *the Department of Transportation to receive the Board's approval to*  
42 *reduce the maximum weight limits pursuant to this section.*



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

2       408.210 1. ~~{The}~~ ***Except as otherwise provided in NRS***  
3 ***484D.655, the*** Director of the Department of Transportation may  
4 restrict the use of, or close, any highway whenever the Director  
5 considers the closing or restriction of use necessary:

6       (a) For the protection of the public.

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

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

14       2. The Director of the Department of Transportation may:

15       (a) Divide or separate any highway into separate roadways,  
16 wherever there is particular danger to the traveling public of  
17 collisions between vehicles proceeding in opposite directions or  
18 from vehicular turning movements or cross-traffic, by constructing  
19 curbs, central dividing sections or other physical dividing lines, or  
20 by signs, marks or other devices in or on the highway appropriate to  
21 designate the dividing line.

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

26       3. The Director may remove from the highways any unlicensed  
27 encroachment which is not removed, or the removal of which is not  
28 commenced and thereafter diligently prosecuted, within 5 days after  
29 personal service of notice and demand upon the owner of the  
30 encroachment or the owner's agent. In lieu of personal service upon  
31 that person or agent, service of the notice may also be made by  
32 registered or certified mail and by posting, for a period of 5 days, a  
33 copy of the notice on the encroachment described in the notice.  
34 Removal by the Department of the encroachment on the failure of  
35 the owner to comply with the notice and demand gives the  
36 Department a right of action to recover the expense of the removal,  
37 cost and expenses of suit, and in addition thereto the sum of \$100  
38 for each day the encroachment remains beyond 5 days after the  
39 service of the notice and demand.

40       4. If the Director determines that the interests of the  
41 Department are not compromised by a proposed or existing  
42 encroachment, the Director may issue a license to the owner or the  
43 owner's agent permitting an encroachment on the highway. Such a  
44 license is revocable and must provide for relocation or removal of  
45 the encroachment in the following manner. Upon notice from the



1 Director to the owner of the encroachment or the owner's agent, the  
2 owner or agent may propose a time within which he or she will  
3 relocate or remove the encroachment as required. If the Director and  
4 the owner or the owner's agent agree upon such a time, the Director  
5 shall not himself or herself remove the encroachment unless the  
6 owner or the owner's agent has failed to do so within the time  
7 agreed. If the Director and the owner or the owner's agent do not  
8 agree upon such a time, the Director may remove the encroachment  
9 at any time later than 30 days after the service of the original notice  
10 upon the owner or the owner's agent. Service of notice may be made  
11 in the manner provided by subsection 3. Removal of the  
12 encroachment by the Director gives the Department the right of  
13 action provided by subsection 3, but the penalty must be computed  
14 from the expiration of the agreed period or 30-day period, as the  
15 case may be.

16 **Sec. 3.** This act becomes effective upon passage and approval.

