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ASSEMBLY BILL NO. 18—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA LEAGUE OF  
CITIES AND MUNICIPALITIES)

PREFILED NOVEMBER 15, 2018

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Referred to Committee on Government Affairs

**SUMMARY**—Authorizes certain local governments to install and maintain ramps on certain public easements and rights-of-way. (BDR 21-433)

**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.

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AN ACT relating to local governments; authorizing incorporated cities, unincorporated towns and general improvement districts to install and maintain ramps that meet certain federal requirements; authorizing such ramps to be placed on certain public easements and rights-of-way; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides the governing bodies of incorporated cities,  
2 unincorporated towns and general improvement districts with certain express  
3 powers. (Chapter 268, 269 and 318 of NRS) **Sections 1-4** of this bill authorize  
4 incorporated cities, unincorporated towns and general improvement districts to  
5 provide for the construction, installation and maintenance of ramps that comply  
6 with the Americans with Disabilities Act of 1990. (42 U.S.C. §§ 12101 et seq.)  
7 **Sections 1-3** of this bill authorize those entities to locate such ramps within any  
8 public easement or right-of-way if the public easement or right-of-way is within a  
9 reasonable proximity of any public highway and the ramp may be located safely  
10 within the public easement or right-of-way without damaging the facilities of other  
11 persons who are authorized to place their facilities within the public easement or  
12 right-of-way.

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

1       **Section 1.** Chapter 268 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *The governing body of an incorporated city may provide*  
4 *for the construction, installation and maintenance of ramps that*  
5 *comply with all applicable requirements of the Americans with*  
6 *Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.*

7       2. *The governing body of an incorporated city, or any person*  
8 *who is authorized by the governing body of an incorporated city to*  
9 *provide for the construction, installation and maintenance of*  
10 *ramps that comply with all applicable requirements of the*  
11 *Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et*  
12 *seq., may locate such ramps within any public easement or right-*  
13 *of-way, including, without limitation, a public easement or right-*  
14 *of-way dedicated or restricted for use by any utility, if:*

15       (a) *The public easement or right-of-way is adjacent or*  
16 *appurtenant to or within a reasonable proximity of any public*  
17 *highway; and*

18       (b) *The ramps may be located safely within the public*  
19 *easement or right-of-way without damaging the facilities of other*  
20 *persons who are authorized to place their facilities within the*  
21 *public easement or right-of-way.*

22       3. *As used in this section, “public highway” has the meaning*  
23 *ascribed to it in NRS 277A.110.*

24       **Sec. 2.** Chapter 269 of NRS is hereby amended by adding  
25 thereto a new section to read as follows:

26       1. *The town board or board of county commissioners in any*  
27 *unincorporated town may provide for the construction, installation*  
28 *and maintenance of ramps that comply with all applicable*  
29 *requirements of the Americans with Disabilities Act of 1990, 42*  
30 *U.S.C. §§ 12101 et seq.*

31       2. *The town board or board of county commissioners, or any*  
32 *person who is authorized by the town board or board of county*  
33 *commissioners to provide for the construction, installation and*  
34 *maintenance of ramps that comply with all applicable*  
35 *requirements of the Americans with Disabilities Act of 1990, 42*  
36 *U.S.C. §§ 12101 et seq., may locate such ramps within any public*  
37 *easement or right-of-way, including, without limitation, a public*  
38 *easement or right-of-way dedicated or restricted for use by any*  
39 *utility, if:*

40       (a) *The public easement or right-of-way is adjacent or*  
41 *appurtenant to or within a reasonable proximity of any public*  
42 *highway; and*



1       ***(b) The ramps may be located safely within the public***  
2 ***easement or right-of-way without damaging the facilities of other***  
3 ***persons who are authorized to place their facilities within the***  
4 ***public easement or right-of-way.***

5       ***3. As used in this section, "public highway" has the meaning***  
6 ***ascribed to it in NRS 277A.110.***

7       **Sec. 3.** Chapter 318 of NRS is hereby amended by adding  
8 thereto a new section to read as follows:

9       ***1. In the case of a district created wholly or in part for***  
10 ***furnishing ramps, the board shall have the power to construct,***  
11 ***install and maintain ramps that comply with all applicable***  
12 ***requirements of the Americans with Disabilities Act of 1990, 42***  
13 ***U.S.C. §§ 12101 et seq.***

14       ***2. The board, or any person who is authorized by the board to***  
15 ***construct, install and maintain ramps that comply with all***  
16 ***applicable requirements of the Americans with Disabilities Act of***  
17 ***1990, 42 U.S.C. §§ 12101 et seq., may locate such ramps within***  
18 ***any public easement or right-of-way, including, without limitation,***  
19 ***a public easement or right-of-way dedicated or restricted for use***  
20 ***by any utility, if:***

21       ***(a) The public easement or right-of-way is adjacent or***  
22 ***appurtenant to or within a reasonable proximity of any public***  
23 ***highway; and***

24       ***(b) The ramps may be located safely within the public***  
25 ***easement or right-of-way without damaging the facilities within***  
26 ***the public easement or right-of-way.***

27       ***3. As used in this section, "public highway" has the meaning***  
28 ***ascribed to it in NRS 277A.110.***

29       **Sec. 4.** NRS 318.116 is hereby amended to read as follows:

30       318.116 Any one, all or any combination of the following basic  
31 powers may be granted to a district in proceedings for its  
32 organization, or its reorganization pursuant to NRS 318.077 and all  
33 provisions in this chapter supplemental thereto, or as may be  
34 otherwise provided by statute:

35       1. Furnishing electric light and power, as provided in  
36 NRS 318.117;

37       2. Extermination and abatement of mosquitoes, flies, other  
38 insects, rats, and liver fluke or Fasciola hepatica, as provided in  
39 NRS 318.118;

40       3. Furnishing facilities or services for public cemeteries, as  
41 provided in NRS 318.119;

42       4. Furnishing facilities for swimming pools, as provided in  
43 NRS 318.1191;

44       5. Furnishing facilities for television, as provided in  
45 NRS 318.1192;



1 6. Furnishing facilities for FM radio, as provided in  
2 NRS 318.1187;

3 7. Furnishing streets and alleys, as provided in NRS 318.120;

4 8. Furnishing curbs, gutters and sidewalks, as provided in  
5 NRS 318.125;

6 9. Furnishing sidewalks, as provided in NRS 318.130;

7 10. *Furnishing ramps, as provided in section 3 of this act;*

8 *11.* Furnishing facilities for storm drainage or flood control, as  
9 provided in NRS 318.135;

10 ~~11.~~ *12.* Furnishing sanitary facilities for sewerage, as  
11 provided in NRS 318.140;

12 ~~12.~~ *13.* Furnishing facilities for lighting streets, as provided  
13 in NRS 318.141;

14 ~~13.~~ *14.* Furnishing facilities for the collection and disposal of  
15 garbage and refuse, as provided in NRS 318.142;

16 ~~14.~~ *15.* Furnishing recreational facilities, as provided in  
17 NRS 318.143;

18 ~~15.~~ *16.* Furnishing facilities for water, as provided in  
19 NRS 318.144;

20 ~~16.~~ *17.* Furnishing fencing, as provided in NRS 318.1195;

21 ~~17.~~ *18.* Furnishing facilities for protection from fire, as  
22 provided in NRS 318.1181;

23 ~~18.~~ *19.* Furnishing energy for space heating, as provided in  
24 NRS 318.1175;

25 ~~19.~~ *20.* Furnishing emergency medical services, as provided  
26 in NRS 318.1185;

27 ~~20.~~ *21.* Control of noxious weeds, as provided in chapter 555  
28 of NRS; and

29 ~~21.~~ *22.* Establishing, controlling, managing and operating an  
30 area or zone for the preservation of one or more species or  
31 subspecies of wildlife that has been declared endangered or  
32 threatened pursuant to the federal Endangered Species Act of 1973,  
33 16 U.S.C. §§ 1531 et seq., as provided in NRS 318.1177.

34 **Sec. 5.** This act becomes effective upon passage and approval.

