

**Committee Action:**  
**Do Pass** \_\_\_\_\_  
**Amend & Do Pass** \_\_\_\_\_  
**Other** \_\_\_\_\_

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**Assembly Committee on Growth and Infrastructure**  
This measure may be considered for action during today's work session.  
4/11/2019

**ASSEMBLY BILL 270**

**Authorizes a regional transportation commission to dispose of certain property.  
(BDR 22-579)**

**Sponsored by: Assemblywoman Peters**  
**Date Heard: March 26, 2019**  
**Fiscal Impact: Effect on Local Government: No.**  
**Effect on the State: No.**

Assembly Bill 270 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.

**Amendments:** The attached amendment adds language allowing direct sales to another government agency. (This amendment was proposed by Michael Hillerby, on behalf of the Regional Transportation Commission of Washoe County.)

**Special Note:** The second portion of Mr. Hillerby's proposed amendment to NRS 277A.280 regarding microtransit is not germane to the bill and is not being considered by the Committee.

## 2019 NEVADA LEGISLATIVE SESSION

## PROPOSED AMENDMENT TO AB 270

**INTENT OF THE PROPOSED AMENDMENT: ADD LANGUAGE ALLOWING DIRECT SALES TO ANOTHER GOVERNMENT AGENCY, AND ALLOWING MICROTRANSIT TO SUPPLEMENT EXISTING BUS ROUTES AND SCHEDULES.**

**PROPOSED BY:** Michael Hillerby  
Kaempfer Crowell Law Firm, on behalf of RTC of Washoe County

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**COMMITTEE HEARING:** Assembly Growth & Infrastructure  
March 26, 2019

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**EXPLANATION:** Matter in (1) **blue bold italics** is new language in the original bill; (2) variations of **green bold italic 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.

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**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), ~~or (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 commission may enter into a written listing agreement with a person licensed pursuant to chapter 645 of NRS to 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.*

**Amend NRS 277A.280 as follows:**

**NRS 277A.280 Authority of commission and certain counties and cities to establish or operate public transit system; utilization of turnkey procurement for and development of fixed guideway project; utilization of competitive negotiation procurement process.**

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 706.386](#) 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 by microtransit upon request and without regard to regular routes or fixed schedules within specified geographic areas as part of its public transit system to supplement regular routes or fixed schedules.**

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

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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 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 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 system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

*(d) "Microtransit" means multi-passenger transportation which uses a digital network or software application service offering flexible routing and scheduling of vehicles that carry fewer passengers than the buses normally used on regular routes or fixed schedules.*