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FIRST REPRINT

A.B. 214

ASSEMBLY BILL No. 214—ASSEMBLYWOMAN ANDERSON

FEBRUARY 22, 2023

JOINT SPONSOR: SENATOR DALY

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing certain regional transportation commissions. (BDR 22-90)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 2)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 regional transportation commissions; requiring a regional transportation commission in certain counties to establish an advisory committee; revising certain requirements relating to the security in operations of a regional transportation commission; revising certain requirements relating to the establishment of an advisory committee by a regional transportation commission in certain counties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, a board of county commissioners may by ordinance create  
2 a regional transportation commission if a streets and highways plan has been  
3 adopted as part of the master plan by the county or regional planning commission.  
4 (NRS 277A.170) Existing law authorizes a regional transportation commission to  
5 provide for and maintain such security in operations as is necessary for the  
6 protection of persons and property. (NRS 277A.260) **Section 2** of this bill  
7 authorizes a regional transportation commission to establish a fine for a passenger  
8 who refuses to comply with a regional or statewide health and safety standard or  
9 mandate. **Section 2** further requires a regional transportation commission or any  
10 person who contracts with a regional transportation commission to operate a public  
11 transit system to: (1) maintain any audio or video recording that is used as evidence  
12 in certain disciplinary actions or contains an incident on a public transit system that  
13 results in an injury to an employee; and (2) upon the request of an employee



14 organization that is the exclusive bargaining agent of the employees of a person  
15 who contracts with the regional transportation commission, to provide such audio  
16 or video recordings to the employee organization.

17 Existing law requires the regional transportation commission in a county whose  
18 population is 700,000 or more (currently only Clark County) to establish an  
19 advisory committee to provide certain information and advice to the commission  
20 relating to public mass transportation in the county. The advisory committee  
21 consists of: (1) two members of the general public from each city within the county  
22 who are appointed by the governing body of that city; and (2) six members of the  
23 general public appointed by the regional transportation commission. (NRS  
24 277A.340) **Section 3** of this bill instead requires the regional transportation  
25 commission to appoint members to the advisory committee. **Section 3** further  
26 provides that the membership of the committee must include: (1) at least two  
27 members who are representatives of the employees who work on a public transit  
28 system in the county, are not in a supervisory position and are recommended by the  
29 principal officers of the employee organization that represents such employees; (2)  
30 at least one member of the general public; and (3) any other additional members  
31 appointed at the discretion of the regional transportation commission. **Section 3**  
32 also authorizes a regional transportation commission to assign certain duties of the  
33 advisory committee to another committee established by the regional transportation  
34 commission, provided that the membership of the other committee meets the  
35 membership requirements for an advisory committee.

36 **Section 1.5** of this bill requires a regional transportation commission in a  
37 county whose population is 100,000 or more but less than 700,000 (currently only  
38 Washoe County) to establish an advisory committee to provide certain information  
39 and advice to the regional transportation commission relating to public mass  
40 transportation in the county. **Section 1.5** provides that the advisory committee  
41 consist of: (1) one member of the general public from each city within the county  
42 who is appointed by the governing body of that city; and (2) three members of the  
43 general public appointed by the regional transportation commission. **Section 1.5**  
44 also requires the appointing authorities to coordinate to ensure that at least two of  
45 the members on the advisory committee are representatives of the employees who  
46 work for the public transit system in the county, are not in a supervisory position  
47 and are recommended by the principal officers of the employee organization that  
48 represents such employees.

49 **Section 6** of this bill revises a reference to federal law.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 1.5.** Chapter 277A of NRS is hereby amended by adding  
3 thereto a new section to read as follows:

4 **1. *In a county whose population is 100,000 or more but less***  
5 ***than 700,000, the commission shall establish an advisory***  
6 ***committee to provide information and advice to the commission***  
7 ***concerning the construction, installation and maintenance of***  
8 ***benches, shelters and transit stops for passengers of public mass***  
9 ***transportation in the county and any other related subject as***  
10 ***requested by the commission. The membership of the advisory***  
11 ***committee must consist of:***



1 (a) One member of the general public from each city within  
2 the county who is appointed by the governing body of that city;  
3 and

4 (b) Three members of the general public appointed by the  
5 commission.

6 2. The appointing authorities shall coordinate to ensure that  
7 at least two of the members appointed pursuant to paragraphs (a)  
8 and (b) of subsection 1:

9 (a) Are representatives of the employees who work for the  
10 public transit system in the county;

11 (b) Are not in a supervisory position; and

12 (c) Are recommended by the principal officers of the employee  
13 organization that represents such employees.

14 3. Each member of the advisory committee serves a term of 1  
15 year. A member may be reappointed for additional terms of 1 year  
16 in the same manner as the original appointment.

17 4. A vacancy occurring in the membership of the advisory  
18 committee must be filled in the same manner as the original  
19 appointment.

20 5. The advisory committee shall meet at least four times  
21 annually.

22 6. At its first meeting and annually thereafter, the advisory  
23 committee shall elect a chair and vice chair from among its  
24 members.

25 7. Each member of the advisory committee serves without  
26 compensation and is not entitled to receive a per diem allowance  
27 or travel expenses.

28 **Sec. 2.** NRS 277A.260 is hereby amended to read as follows:

29 277A.260 1. A commission may:

30 ~~1-1~~ (a) Provide for and maintain such security in operations as  
31 is necessary for the protection of persons and property under its  
32 jurisdiction and control.

33 ~~2-1~~ (b) Employ professional, technical, clerical and other  
34 personnel necessary to carry out the provisions of this chapter.

35 ~~3-1~~ (c) Establish ~~[a fine]~~ fines for a passenger who refuses to  
36 ~~[pay]~~:

37 (1) Pay or otherwise fails to pay the proper fare to ride on the  
38 public transit system established and operated by the commission ~~1-1~~  
39 ; or

40 (2) Comply with a regional or statewide health and safety  
41 standard or mandate.

42 ➔ If the commission establishes such ~~[a fine.]~~ fines, the commission  
43 may establish procedures that provide for the issuance and  
44 collection of the ~~[fine.]~~ fines.



1       **2. The commission or any person who contracts with the**  
2 **commission to operate the public transit system shall:**

3       **(a) Maintain, in accordance with all applicable provisions of**  
4 **state and federal law, any audio or video recording that:**

5           **(1) Is used as evidence in a disciplinary action involving an**  
6 **employee of any person who contracts with the commission to**  
7 **operate the public transit system; or**

8           **(2) Contains an incident on the public transit system that**  
9 **results in an injury to an employee of a person who contracts with**  
10 **the commission to operate the public transit system.**

11       **(b) Upon the request of an employee organization that is the**  
12 **exclusive bargaining agent of the employees of a person who**  
13 **contracts with the commission to operate the public transit system,**  
14 **provide the employee organization with any audio or video**  
15 **recording that:**

16           **(1) Is used as evidence in a disciplinary action involving an**  
17 **employee of any person who contracts with the commission to**  
18 **operate the public transit system; or**

19           **(2) Contains an incident on the public transit system that**  
20 **results in an injury to an employee of a person who contracts with**  
21 **the commission to operate the public transit system, provided that**  
22 **the commission and the person who contracts with the commission**  
23 **to operate the public transit system receive a written request by the**  
24 **employee organization for the audio or video recording within 10**  
25 **calendar days of the incident.**

26       **Sec. 3.** NRS 277A.340 is hereby amended to read as follows:

27       277A.340 1. ~~Has~~ **Except as otherwise provided in subsection**  
28 **8, in** a county whose population is 700,000 or more, the commission  
29 shall establish an advisory committee to ~~provide~~ **:**

30       **(a) Provide** information and advice to the commission  
31 concerning the construction, installation and maintenance of  
32 benches, shelters and transit stops for passengers of public mass  
33 transportation in the county ~~;~~ **and**

34       **(b) Perform, at the discretion of the commission, any other**  
35 **duties.**

36       **2. The commission shall appoint members to the advisory**  
37 **committee.** The membership of the advisory committee must consist  
38 of:

39       **(a) ~~Two~~ At least two** members ~~[of the general public from each~~  
40 ~~city within the county who are appointed by the governing body of~~  
41 ~~that city; and]~~ **who:**

42           **(1) Are representatives of the employees who work on the**  
43 **public transit system in the county;**

44           **(2) Are not in a supervisory position; and**



1           (3) *Are recommended by the principal officers of the*  
2 *employee organization that represents such employees.*

3           (b) ~~{Six members}~~ *At least one member* of the general public .  
4 ~~{appointed by the commission.~~

5 ~~—2.—~~ (c) *Any other additional members appointed at the*  
6 *discretion of the commission.*

7           3. Each member of the advisory committee serves a term of 1  
8 year. A member may be reappointed for additional terms of 1 year  
9 in the same manner as the original appointment.

10          ~~{3.}~~ 4. A vacancy occurring in the membership of the advisory  
11 committee must be filled in the same manner as the original  
12 appointment.

13          ~~{4.}~~ 5. The advisory committee shall meet at least ~~{six}~~ *four*  
14 times annually.

15          ~~{5.}~~ 6. At its first meeting and annually thereafter, the advisory  
16 committee shall elect a chair and vice chair from among its  
17 members.

18          ~~{6.}~~ 7. Each member of the advisory committee serves without  
19 compensation and is not entitled to receive a per diem allowance or  
20 travel expenses.

21          8. *If a commission has established other committees, the*  
22 *commission may assign the duty of an advisory committee to*  
23 *provide information and advice to the commission concerning the*  
24 *construction, installation and maintenance of benches, shelters*  
25 *and transit stops for passengers of public mass transportation in*  
26 *the county to another committee, provided that the membership of*  
27 *the other committee meets the requirements of paragraphs (a) and*  
28 *(b) of subsection 2.*

29          **Sec. 4.** (Deleted by amendment.)

30          **Sec. 5.** (Deleted by amendment.)

31          **Sec. 6.** NRS 277A.450 is hereby amended to read as follows:

32          277A.450 1. Notwithstanding the provisions of chapter 332  
33 of NRS or NRS 625.530, a commission may utilize a turnkey  
34 procurement process to select a person to design, build, finance,  
35 operate and maintain, or any combination thereof, a high-capacity  
36 transit system, including, without limitation, any minimum operable  
37 segment thereof. The commission shall determine whether to utilize  
38 turnkey procurement for a high-capacity transit project before the  
39 completion of the preliminary engineering phase of the project. In  
40 making that determination, the commission shall evaluate whether  
41 turnkey procurement is the most cost-effective method of  
42 constructing the project on schedule and in satisfaction of its  
43 transportation objectives.

44          2. Notwithstanding the provisions of chapter 332 of NRS, a  
45 commission may utilize a competitive negotiation procurement



1 process to procure rolling stock for a high-capacity transit project  
2 and any other equipment that is related to the project. The award of  
3 a contract under such a process must be made to the person whose  
4 proposal is determined to be the most advantageous to the  
5 commission, based on price and other factors specified in the  
6 procurement documents.

7 3. If a commission develops a high-capacity transit project, the  
8 Department of Transportation is hereby designated to serve as the  
9 oversight agency to ensure compliance with the federal safety  
10 regulations for rail fixed guideway *public transportation* systems  
11 set forth in 49 C.F.R. Part ~~659.~~ 674.

12 4. As used in this section:

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

16 (b) "Turnkey procurement" means a competitive procurement  
17 process by which a person is selected by a commission, based on  
18 evaluation criteria established by the commission, to design, build,  
19 operate and maintain, or any combination thereof, a high-capacity  
20 transit system, or a portion thereof, in accordance with performance  
21 criteria and technical specifications established by the commission.

22 **Sec. 7.** (Deleted by amendment.)

23 **Sec. 8.** The provisions of NRS 354.599 do not apply to any  
24 additional expenses of a local government that are related to the  
25 provisions of this act.

