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SECOND REPRINT

A.B. 214

ASSEMBLY BILL No. 214—ASSEMBLYWOMAN ANDERSON

FEBRUARY 22, 2023

JOINT SPONSORS: SENATORS DALY; AND GOICOECHEA

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, 3)
(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 in a county whose population is 100,000 or more (currently Clark and
26 Washoe Counties) to establish an advisory committee. **Section 3** further provides
27 that the membership of the committee must include: (1) at least two members who
28 are employees of the person who contracts with the commission to operate the
29 public transit system in the county, are not in a supervisory position and are
30 recommended by the principal officers of the employee organization that represents
31 such employees; (2) at least one member of the general public; and (3) any other
32 additional members appointed at the discretion of the regional transportation
33 commission. **Section 3** also authorizes a regional transportation commission to
34 assign certain duties of the advisory committee to another committee established by
35 the regional transportation commission, provided that the membership of the other
36 committee meets the membership requirements for an advisory committee.

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

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.** (Deleted by amendment.)

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

4 277A.260 **1.** A commission may:

5 ~~[1-]~~ **(a)** Provide for and maintain such security in operations as
6 is necessary for the protection of persons and property under its
7 jurisdiction and control.

8 ~~[2-]~~ **(b)** Employ professional, technical, clerical and other
9 personnel necessary to carry out the provisions of this chapter.

10 ~~[3-]~~ **(c)** Establish ~~[a fine]~~ **fines** for a passenger who refuses to
11 ~~[pay]~~ :

12 **(1) Pay** or otherwise fails to pay the proper fare to ride on the
13 public transit system established and operated by the commission ~~[]~~
14 **; or**

15 **(2) Comply with a regional or statewide health and safety**
16 **standard or mandate.**

17 **↪** If the commission establishes such ~~[a fine,]~~ **fines**, the commission
18 may establish procedures that provide for the issuance and
19 collection of the ~~[fine-]~~ **fines**.

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



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

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

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

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

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

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

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

25 277A.340 1. ~~Has~~ *Except as otherwise provided in subsection*
26 *8, in a county whose population is ~~[700,000]~~ 100,000 or more, the*
27 *commission shall establish an advisory committee to ~~[provide]:~~*

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

32 (b) *Perform, at the discretion of the commission, any other*
33 *duties.*

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

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

40 (1) *Are employees of the person who contracts with the*
41 *commission to operate the public transit system in the county;*

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

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



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

3 ~~—2.}~~ (c) *Any other additional members appointed at the*
4 *discretion of the commission.*

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

8 ~~{3.}~~ 4. A vacancy occurring in the membership of the advisory
9 committee must be filled in the same manner as the original
10 appointment.

11 ~~{4.}~~ 5. The advisory committee shall meet at least ~~{six}~~ *four*
12 times annually.

13 ~~{5.}~~ 6. At its first meeting and annually thereafter, the advisory
14 committee shall elect a chair and vice chair from among its
15 members.

16 ~~{6.}~~ 7. Each member of the advisory committee serves without
17 compensation and is not entitled to receive a per diem allowance or
18 travel expenses.

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

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

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

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

30 277A.450 1. Notwithstanding the provisions of chapter 332
31 of NRS or NRS 625.530, a commission may utilize a turnkey
32 procurement process to select a person to design, build, finance,
33 operate and maintain, or any combination thereof, a high-capacity
34 transit system, including, without limitation, any minimum operable
35 segment thereof. The commission shall determine whether to utilize
36 turnkey procurement for a high-capacity transit project before the
37 completion of the preliminary engineering phase of the project. In
38 making that determination, the commission shall evaluate whether
39 turnkey procurement is the most cost-effective method of
40 constructing the project on schedule and in satisfaction of its
41 transportation objectives.

42 2. Notwithstanding the provisions of chapter 332 of NRS, a
43 commission may utilize a competitive negotiation procurement
44 process to procure rolling stock for a high-capacity transit project
45 and any other equipment that is related to the project. The award of



1 a contract under such a process must be made to the person whose
2 proposal is determined to be the most advantageous to the
3 commission, based on price and other factors specified in the
4 procurement documents.

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

10 4. As used in this section:

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

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

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

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

