

**ADOPTED REGULATION OF THE  
DEPARTMENT OF TRANSPORTATION**

**LCB File No. R012-15**

Effective October 27, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 408.527.

A REGULATION relating to roadways; providing for the establishment and subsequent revision of a manual for the relinquishment of a state highway from the Department of Transportation to a county or city, or a county or city road from a county or city to the Department; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the relinquishment of a portion of a state highway from the Department of Transportation to a county or city or a portion of a county or city road from a county or city to the Department under certain circumstances, and requires the Department, in cooperation with local governments, to adopt regulations governing the development of procedural documents that address the process of such relinquishments. (NRS 408.527) This regulation provides the procedure for the development, approval and subsequent revision of a manual addressing the process of such relinquishments.

**Section 1.** Chapter 408 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. The Department, in cooperation with local governments, will develop a manual which sets forth the process for proposing, developing, evaluating and completing the relinquishment of a portion of a state highway from the Department to a local government or a portion of a county or city road from a local government to the Department pursuant to NRS 408.527. The manual will be developed as follows:*

*(a) The Department will develop a proposed draft of the manual and transmit a copy to the chief administrative officer of each local government.*

*(b) A local government may submit comments to the Department on the proposed manual during a review period specified by the Department, but not less than 45 calendar days after the receipt of the proposed manual.*

*(c) The Department will develop a written response to each comment submitted pursuant to paragraph (b), and a compilation of all comments and responses will be transmitted to each local government not later than 20 calendar days after the conclusion of the review period specified by the Department pursuant to paragraph (b).*

*(d) The Department will make a good faith effort to resolve any disagreement with a local government before submitting the proposed manual to the Board.*

*(e) The Board shall consider the proposed manual for approval at a scheduled public meeting. All persons in attendance at the public meeting must be afforded the opportunity to provide comment upon the proposed manual.*

*(f) The Board shall consider the recommendations of the Department and any comment presented during the meeting and shall approve or deny the proposed manual during the meeting or as soon as practicable at a subsequent public meeting. If the Board denies the proposed manual, it shall direct the Department to work with local governments to develop a new draft to be submitted to the Board for approval at a subsequent public meeting, subject to the requirements of paragraph (e).*

*(g) If the Board approves the proposed manual, the manual becomes effective upon approval and will be made accessible to the public on the Internet website maintained by the Department.*

*2. After the initial approval of the proposed manual by the Board pursuant to subsection 1, beginning during the month of October or November of each year, the Department may revise the manual as follows:*

*(a) The Department will transmit a copy of any proposed revisions to the chief administrative officer of each local government.*

*(b) A local government may submit comments on the proposed revisions during a review period specified by the Department, but not less than 30 days after the receipt of the proposed revisions.*

*(c) The Department will respond to each comment in writing, and a compilation of all comments and responses will be transmitted to each local government not later than 20 days after the conclusion of the review period specified by the Department pursuant to paragraph (b).*

*(d) Within 10 calendar days after transmitting the responses to each local government pursuant to paragraph (c), the Department will submit the proposed revisions to the Board. The Department will make a good faith effort to resolve any disagreement with a local government before submitting the proposed revisions to the Board.*

*(e) The Board shall consider the proposed revisions to the manual for approval at a scheduled public meeting. All persons in attendance at the public meeting must be afforded the opportunity to provide comment upon the proposed revisions.*

*(f) The Board shall consider the recommendations of the Department and any comment presented during the meeting and shall approve or deny the proposed revisions to the manual during the meeting or as soon as practicable at a subsequent public meeting. Any proposed revisions approved by the Board become effective upon approval. A revised manual which*

*includes those revisions will be made accessible to the public on the Internet website maintained by the Department. Any proposed revisions not approved by the Board will not be included in the revised manual.*

*(g) The decision of the Board pursuant to paragraph (f) is final, and no further revisions may be proposed until the next annual revision period described in this subsection.*

*3. As used in this section:*

*(a) "Board" means the Board of Directors of the Department of Transportation.*

*(b) "Local government" means the governing body of any incorporated city in this State or the board of county commissioners of any county in this State.*

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS-NRS 233B.066**  
**Informational Statement**  
**LCB File No. R012-15**

**1. A clear and concise explanation of the need for the adopted regulation.**

The proposed regulation is needed to provide for the definition of a “Local Government” as stated in NRS 408.527. It is further needed to insure that the process stated in NRS 408.527 #10 is completed. This regulation requires the Department of Transportation to work cooperatively with local governments to develop a guide to relinquish roads, to place that process and guide into a regulation, and then delineates the process to modify the guide in the future. This action was completed in January of 2015 as a Temporary Regulation. The Department requests that this regulation become a Permanent Regulation and actions, as required, have been completed to do so.

**2. Description of how public comment was solicited, as summary of public response, And an Explanation of how other interested person may obtain a copy of the summary.**

(a) Copies of the proposed regulation, notice of intent to act upon a regulation and notice of workshop and hearing were send by US mail and email to persons who were known to have an interest in the subjects of noticing or who specifically requested said noticing and information. These documents were also made available at the website of the Nevada Department of Transportation, [www.nevadadot.com](http://www.nevadadot.com), and were posted in the following offices of the Nevada Department of Transportation as follows:

Nevada Department of Transportation,  
District I Office,  
123 E. Washington Ave,  
Las Vegas, NV 89125,

Nevada Department of Transportation,  
District II Office,  
310 Galletti Way,  
Sparks, NV 89431

Nevada Department of Transportation,  
District III Office,  
1951 Idaho St.  
Elko, NV 89801

Nevada Department of Transportation,  
Headquarters  
1263 S. Stewart Street,  
Carson City, NV 89712

Nevada Department of Transportation,  
Tonopah Maintenance Station,  
805 Erie Main,  
Tonopah, NV 89049

Nevada Department of Transportation,  
Winnemucca Maintenance Station  
25 West 4<sup>th</sup> St.  
Winnemucca, NV 89446

Nevada Department of Transportation,  
Ely Maintenance Station  
1401 Ave. F  
Ely, NV 89301

**And posted at the following locations:**

Washoe County Courthouse  
75 Court St.  
Reno, NV 89520

Churchill County Library  
5553 S. Maine St.  
Fallon, NV 89406

Lincoln County Library  
93 Main St.  
Pioche, NV 89043

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447

Pershing County Library  
P.O. Box 781  
Lovelock, NV 89419

Storey County Library  
P.O. Box 14, 95 S. R St.  
Virginia City, NV 89440

RTC of Southern Nevada  
600 S. Grand Central Pkwy.  
Suite 350  
Las Vegas, NV 89106

Grant Sawyer State Office Building  
555 E. Washington Ave.  
Las Vegas, NV 89101

Goldfield Public Library  
P.O. Box 430, Fourth & Crook St.  
Goldfield, NV 89013

Eureka Branch Library  
P.O. Box 293, 1125 Central Ave.  
Eureka, NV 89316

Battle Mountain Branch Library  
P.O. Box 141, 625 S. Broad St.  
Battle Mountain, NV 89820

Douglas County Library  
P.O. Box 337, 171 Central St.  
Minden, NV 89423

Mineral County Library  
P.O. Box 1390, First and A Street  
Hawthorne, NV 89415

State Library  
100 Stewart Street  
Carson City, NV

A public workshop was held on September 3, 2015, in Carson City and was video broadcast to Elko and Las Vegas for the purposed of soliciting public input. A Public Hearing was then held in Carson City on October 12, 2015 and video conferenced to Las Vegas, again to allow for public comment.

- (b) No public comments were offered at the workshops and no public comment was offered at the Public Hearing.
- (c) Copies of the transcripts/or recordings of the proceedings are available for review at the offices of the Roadway Systems Division of NDOT, 1263 S. Stewart Street, Carson City, Nevada, 89712.

**3. The number of persons who:**

- (a) Attended each hearing/workshop:** Carson City Workshop-5, Elko Workshop-0, Las Vegas workshop-1, Carson City Hearing-(50)
- (b) Testified at each hearing/workshop:** No persons testified at either the workshop or hearing.
- (c) Submitted to agency written comments:** none

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
  - (a) Name;
  - (b) Telephone;
  - (c) Business Address;
  - (d) Business Telephone;
  - (e) Electronic mail address; and
  - (f) Name of Entity or organization represented.
5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

This regulation governs activities only between the Department of Transportation and Cities and Counties and does not directly affect any business as it addresses the transfer of roads that will change only in ownership and not in use.

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

Any person wishing to view the summary of any public comment are provided this opportunity as mentioned in item 2(c).

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No changes were recommended to the regulations that were presented either at the workshops or at the public hearing.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

The estimated economic effect will be based on each relinquishment discussed with the Department and a Local Government Agency. Since there are many ways to complete a relinquishment, including trades, the cost to complete a relinquishment will be developed through the required negotiation process identified in the Guide to road relinquishments. There is no direct affect to a local government or the public as a course of monetary charge to process a relinquishment. The cost for staff time will is included in the annual salary of those involved.

There is no direct effect on the Public.



**8. The estimated cost to the agency for enforcement of the proposed regulation.**

The only costs associate with enforcement will be the cost for staff time. This will be included in the annual salary of those involved in developing and negotiating relinquishments.

**9. A description of any regulation of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

These regulations do not overlap or duplicate any other regulations of the State or any other governmental agency.

**10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are no federal regulations that govern the process of relinquishing roads between the state and local governments.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

There are no fees associated with this regulation.

**12. If the proposed regulation is likely to impose a direct and significant burden upon a small business or directly restrict the formation, operation, or expansion of a small business, what methods did the agency use in determining the impact of the regulation on small businesses?**

These regulations govern the process of relinquishing roads between the State and Local Governments and will only act as a source of changing ownership and not the character of the roads use. The road will remain a public road both before and after the transfer.