

**PROPOSED REGULATION OF THE  
DEPARTMENT OF TRANSPORTATION**

**LCB FILE NO. R126-26I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 06/02/2026**

## DRAFT PROPOSED REGULATION OF THE DEPARTMENT OF TRANSPORTATION

The following document contains the initial draft regulation proposed by the Department of Transportation (“Department”) for a definition of “critical infrastructure” as used in NRS 239C.210(2)(b). The Department will solicit comments from the industry on the proposed regulation pursuant to NRS 233B.0608(1) to determine whether the regulation would likely impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. The Department will consider all comments and address the industry’s concern(s), if any.

**Purpose:** The purpose of this regulation is to provide a definition of the term “critical infrastructure” as it is used in NRS 239C.210 to determine which Department assets, facilities, systems, or networks, whether physical or virtual, must be protected from disclosure in accordance with NRS 239C.210.

**Authority:** NRS 408.215(4).

**Explanation:** Material in *blue bold italics* is new language; material in **[bold brackets]** is to be omitted from current regulation. All comments received from the small business impact notice will be considered but not all may be addressed. The matters to be addressed will be referenced in this draft as *italics* for revised and matters in brackets **[omitted material]** is language to be omitted.

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

**Sec. 2.** *NAC 408.XXX “Critical Infrastructure” defined. “Critical infrastructure” means Department assets, facilities, systems, or networks, whether physical or virtual, that are under the jurisdiction of the Department and whose incapacitation or destruction would result in a significant impairment to the State of Nevada’s transportation security, economic continuity, public health, or welfare and includes, without limitation: (NRS 408.215, NRS 239C.010, NRS 239C.210)*

*(1) Routes, facilities, or other assets designated in the Department’s Transportation Policies;*

*(2) Structures that meet the definition of a bridge as established by the American Association of State Highway and Transportation Officials (AASHTO);*

*(3) Structures that meet the definition of a tunnel as established by AASHTO;*

- (4) Stormwater assets and water treatment facilities;***
- (5) Railroads and railroad crossings;***
- (6) Electrical, telecommunication, fiber optic, radio, and water utility systems and associated data;***
- (7) Buildings, data centers, above-ground structures, and vertical facilities owned, operated, or leased by the Department;***
- (8) Routes providing access to or from Harry Reid International Airport and Reno-Tahoe International Airport.***
- (9) Systems or devices that interact with or monitor any physical infrastructure in subsection (1) through (8) of this chapter;***
- (10) Virtual and on premises systems, devices, networks, or other Information Technology (IT) that facilitate Department cyber operations or cyber security; and***
- (11) Any similar critical infrastructure-related assets as may be designated.***

**Sec. 3. Chapter 408 of NAC is hereby amended by adding thereto a new section to be designated NAC 408.XXX, as follows:**

**Sec. 4. NAC 408.XXX All data, information, and records pertaining to “critical infrastructure” as defined in this chapter are deemed restricted and are exempt from public disclosure in accordance with NRS 239C.210.**

**Sec. 5. Chapter 408 of NAC is hereby amended by adding thereto a new section to be designated NAC 408.XXX, as follows:**

**Sec. 6. NAC 408.XXX The provisions of [Sections 2 and 4] are hereby declared to be severable. If any provision or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the regulation which can be given effect without the invalid provision or application.**

**Sec. 7. This regulation shall become effective upon filing with the Secretary of State in accordance with NRS 233B.070.**