

**PROPOSED REGULATION OF THE
DEPARTMENT OF TRANSPORTATION**

LCB File No. R126-26

July 27, 2026

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

AUTHORITY: § 1, NRS 408.215.

A REGULATION relating to the Department of Transportation; interpreting provisions of existing law related to confidential materials; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Director of the Department of Transportation to manage the records of the Department and adopt regulations necessary to carry out and enforce that provision. (NRS 408.215) Existing law provides that certain documents, records or other items of information that are prepared and maintained for the purpose of preventing or responding to an act of terrorism are confidential, not subject to subpoena or discovery, not subject to inspection by the general public and may only be inspected by or released to certain entities if the Governor determines, by executive order, that the disclosure or release of those certain documents, records or other items of information would create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare. (NRS 239C.210) This regulation interprets existing law relating to certain assets of the Department.

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

Any drawing, map, plan or record that is prepared and maintained for the purpose of preventing or responding to an act of terrorism and reveals the critical infrastructure of the following primary buildings, facilities and other structures of the Department satisfy the requirements of paragraph (b) of subsection 2 of NRS 239C.210:

1. Any part of a transportation facility, as defined in NRS 338.161, used for storing, transporting or transmitting water or electricity, natural gas or other forms of energy or that includes fiber optic cables, microwave towers or other vertical assets used for the transmission or receipt of data or communications used by response agencies and public safety and public health personnel.

2. Any part of a district office of the Department that includes fiber optic cables, microwave towers or other vertical assets used for the transmission or receipt of data or communications used by response agencies and public safety and public health personnel.

3. A stormwater asset, water treatment facility or water utility system used for storing or transporting water.

4. Fiber optic cables, microwave towers or other vertical assets used for the transmission or receipt of data or communications used by response agencies and public safety and public health personnel.

5. Any part of a highway building, data center or above-ground structure that includes fiber optic cables, microwave towers or other vertical assets used for the transmission or receipt of data or communications used by response agencies and public safety and public health personnel.