

**PROPOSED REGULATION OF THE
DEPARTMENT OF TRANSPORTATION**

LCB File No. R012-15

July 7, 2015

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

AUTHORITY: §1, NRS 408.215 and 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 city or county 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 city or county or a portion of a city or county road from a city or county to the Department under certain circumstances, and requires the Department, in cooperation with local governments, to develop 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 or as soon as practicable after the 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, it 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 or as soon as practicable after the 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.