

Chapter 408 of NAC

ADOPTED TEMPORARY REGULATION OF THE DIRECTOR OF  
THE DEPARTMENT OF TRANSPORTATION

LCB File No. T001-14

Chapter 408 of NAC is hereby amended by adding thereto the provisions set forth as sections \_\_\_\_\_ and \_\_\_\_\_ of this regulation.

*(NEW) NAC (Recommended Number 408.182) “Local Government” defined. (NRS 408.215). “Local Government” for the purpose of NAC 408.567 means the legislative body of any county or city.*

(Added to NAC by Dep’t of Transportation, eff. \_\_-\_\_-14)

*(NEW) NAC (Recommended Number 408.567) Requirements for the relinquishment of roads and road trades between the Department and Local Governments. (NRS 408.527)*

*1. The relinquishment process provided for in NRS 408.527 shall be conducted as set forth in this section. The Department shall work collaboratively with Local Governments to create a process by which the Department and Local Governments may relinquish those roads under each’s control to the other entity as provided for in this section.*

*2. The Department, in cooperation with Local Governments, shall develop a working manual, which shall identify the process for proposing, developing, evaluating, and completing road relinquishments between the Department and Local Governments. This manual shall be entitled “State of Nevada, Department of Transportation, Guide to Roadway Relinquishments” (the “Guide”). The development of the Guide shall be accomplished in the following manner:*

*(a) The Department shall develop preliminary recommended language for the Guide and shall submit the proposed Guide to the Chief Administrative Officer of each Local Government. Each Local Government shall have a minimum of 45 calendar days to provide comment on the proposed language for the Guide.*

*(b) Upon completion of the 45-day review period, the Department shall develop a written response to each comment received. The list of comments and responses shall be sent to all Local Governments within 20 calendar days of the close of the 45-day review period.*

*(c) The Department shall use its best efforts to resolve disagreements, if any, between the Department and any Local Government. If an agreement cannot be reached, the Department shall submit the Guide to the Board for approval at a scheduled public meeting.*

*(d) All persons in attendance at the scheduled Board meeting shall have an opportunity to provide comment and recommendations to the Board concerning the proposed language.*

*(e) The Board shall consider the recommendations from the Department and those comments and recommendations of persons in attendance at such scheduled meeting regarding the proposed revisions to the Guide. The Board shall approve or deny the proposed language to the Guide. In the event the Board denies any portion of the language in the Guide, it shall direct the Department to meet with Local Governments to work on alternative language and submit such alternative language to the Board at a subsequent Board meeting for approval. This resubmission of language to the Board shall not be considered a new request subject to the time limits for a Revision Cycle set forth in Subsection 3 to this Section.*

*(f) Once approved by the Board, the Department shall place the Guide on its website for public viewing.*

*3. The process to seek approval of new or revised language may be commenced by the Department by bringing such revision to the Board once per year during the months of October and/or November upon the prior completion of the following required procedures (the "Revision Cycle"):*

*(a) At least 90 calendar days prior to a scheduled Board meeting to approve any revisions to the Guide, the Department shall provide a copy of such proposed revisions to the Chief Administrative Officer of each Local Government.*

*(b) All Local Governments shall have no less than 30 calendar days to review the proposed revisions to the Guide and provide their comments, if any, to the Department (the "Review Period").*

*(c) The Department shall evaluate all written comments within 15 calendar days of the close of the Review Period (the "Evaluation Period").*

*(d) The Department shall provide its comments to the Chief Administrative officer of each Local Government within 5 calendar days of the close of the Evaluation Period (the "Notification Period").*

*(e) If necessary to resolve any conflicts in the proposed language, if any, between the Department and the Local Governments, the Department shall meet with the representatives of the Local Governments within 10 calendar days of the close of the Notification Period to discuss the disputed language. Such meeting between the*

*Department and Local Governments shall be completed at least 30 calendar days prior to the scheduled Board meeting date as set forth in this subsection 3.*

*(f) In the event the Department and Local Governments are unsuccessful at resolving any disputed language, the Department shall submit the Guide with its proposed revised language to the Board for approval at the scheduled meeting.*

*(g) All persons at attendance of the scheduled Board meeting shall have an opportunity to provide comment and recommendations to the Board concerning the proposed language.*

*(h) The Board shall consider the recommendations from the Department and any comments and recommendations from persons in attendance at the scheduled meeting regarding the proposed language. The Board shall make a final determination as to the approval of any revisions to the Guide.*

*(i) If the Board approves of the revisions to the Guide, the newly approved Guide shall become effective upon the Board's approval. The Department shall place the revised Guide on the Department web site along with a statement of the Board's approval.*

*(j) Those proposed revisions not approved by the Board shall not be adopted into the Guide, and the Department shall continue to use the Guide in existence prior to the scheduled Board meeting. The Department shall not bring to the Board any additional requests for revisions to the Guide until the next subsequent Revision Cycle in accordance with this subparagraph 2.*

(Added to NAC by Dep't of Transportation, eff. \_\_-\_\_-14)

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS-NRS 233B.066**  
**Informational Statement**  
**LCB File No. T001-14**

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

Proposed Regulation NAC 408.182 is needed to provide for the definition of a “Local Government” as stated in NRS 408.527

Proposed Regulation NAC 408.567 is 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.

**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

Workshops were held on November 12, 2014 in Elko, November 17, 2014 in Las Vegas, and November 18, 2014 in Carson City. A Public Hearing was held in Carson City on January 12, 2015 and video conferenced to Las Vegas.

(b) Public comments were provided only at the Elko and Carson City workshops.

Comment at the Elko Workshop-

Statement of Support for Regulation.

Comment at the Carson City Workshop-

Statement: Requested clarification on miles numbers found on Page 6 of the guide.

Statement: Requested to change a word from 'and' to 'or'. Agreed.

No other 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:** Elko Workshop-2, Las Vegas Workshop-3, Carson City Workshop-5, Carson City Hearing-(approx. 50)
  - (b) Testified at each hearing/workshop:** Elko Workshop-1, Las Vegas Workshop-none, Carson City Workshop-1, Carson City-Hearing-none.\
  - (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.**

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Washoe County Engineering Division

- 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.