

PROPOSED REGULATION OF THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION

LCB File No. R012-15

(This regulation was previously adopted as 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)