

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS - NAC 484D
Informational Statement
LCB File No. R157-18

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

The proposed regulation is needed to improve the safety of highways, interstates, and roadways as over-dimensional vehicles travel throughout the State of Nevada. Furthermore, these amended regulations will advance the harmonization of regulations in the trucking industry with other western states as well as update the permit office information to reflect current business practices.

Increased Safety: This regulation requires route surveys for vehicles with the dimensions of 20-26'W x 18'H to determine the safety of the route, any obstructions, and a plan to mitigate any obstructions (NAC 484D.645). It also requires over-dimensional vehicles abide by specified day and time travel restrictions into and out of the Las Vegas area (NAC 484D.655). It further revises the requirements for pilot cars based on types of highways, certain days and certain hours of the day (NAC 484D.670).

Harmonization: These amendments to the regulation allow for the movement of 14 feet wide single-trip permits to be allowed on a 24/7 basis on interstate highways in Nevada (NAC 484D.625 & NAC 484D.655). It also introduces language allowing for permits to be displayed on a mobile device, versus a paper copy (NAC 484D.625). Both amendments achieve further harmonization with other western states.

Permit Office Operations Update: The proposed regulation updates the Over-Dimensional Vehicle Permits Office hours (NAC 484D.610); adds new language referencing the availability of an online permitting system (NAC 484D.610); and clarifies that the permit office offers a "deposit" to establish billing services, versus a "credit" (NAC 484D.615).

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.

Public Comment Solicitation: Copies of the proposed regulation, notice of intent to act upon a regulation, and notice of workshop and Public Hearing were sent by U.S. 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 on the Nevada Department of Transportation (NDOT) website (www.nevadadot.com), and were posted in the following offices of the Nevada Department of Transportation and public noticing locations as follows:

Nevada Department of Transportation
Headquarters
1263 South Stewart Street
Carson City, NV 89712

Washoe County Courthouse
75 Court Street
Reno, NV 89520

Nevada Department of Transportation
District I Office
123 East Washington Avenue
Las Vegas, NV 89125

Nevada Department of Transportation
Tonopah Maintenance Station
805 Erie Main
Tonopah, NV 89049

Nevada Department of Transportation
District II Office
310 Galletti Way
Sparks, NV 89431

Nevada Department of Transportation
Ely Maintenance Station
1401 Avenue "F"
Ely, NV 89301

Nevada Department of Transportation
District III Office
1951 Idaho Street
Elko, NV 89801

Nevada Department of Transportation
Winnemucca Maintenance Station
725 West 4th Street
Winnemucca, NV 89446

Clark County Courthouse
200 South Third Street
Las Vegas, NV 89155

Grant Sawyer State Office Building
555 East Washington Avenue
Las Vegas, NV 89101

Workshops, Public Hearing and Response Summary: Two workshops were held in 2018 and a series of roundtable discussions were facilitated with key industry stakeholders to solicit input on the revisions for two years prior to the Public Hearing.

Public Workshops

- May 15, 2018: Nevada Department of Transportation (NDOT) Headquarters, third floor conference room 301 at 1263 S. Stewart Street, Carson City, NV 89712, commencing at 9:30 a.m. This meeting was also video conferenced to District III Office, main conference room.
- May 17, 2018: NDOT, District I Office, Building A conference room, 123 E. Washington Ave., Las Vegas, NV 89123, commencing at 9:30 a.m.

Meetings

- September 20, 2018: Nevada Trucking Association and the Nevada Department of Transportation Administrative Services staff
- October 5, 2018: NDOT Director's Office, Administrative Services Division Staff and Nevada Trucking Association board member and leadership
- October 8, 2018: Transportation Board Meeting—Director's Report
- October 16, 2018: Meeting between Administrative Services and a Nevada Trucking Association Board Member
- December 3, 2018 Transportation Board Meeting—Informational Presentation
- Discussion Roundtables in 2017 and 2018 at various WASHTO and AASHTO meetings

A Public Hearing was held in Carson City on February 11, 2019, at the Nevada Department of Transportation Headquarters Building located at 1263 South Stewart Street, with video conferencing to Las Vegas (District I Office), Reno (District II Office), and Elko (District III Office) to allow for public comment.

- a) One comment was received prior to the close of the public comment period for the Public Hearing (February 8, 2019 at 5pm). This public comment was incorporated into the presentation at the Public Hearing on February 11, 2019. Mr. Rich Casci, Sierra Rental Transport (Sparks Nevada), requested the phrase “On a weekend” be struck from the proposed amendments to NAC 484D.670 in Section 3 (a) subsection 3 (III) “On a weekend” and in Section 6 of the proposed amended regulations NAC 484D.670 Section (b) subsection 4 (II) “On a weekend”, due to the apparent redundancy with NAC 484D.655 subsection 2.

The Transportation Board approved the regulation as proposed with the amendment, which eliminated the redundancy.

- b) On January 8, 2019, Kim Yaeger, the Nevada Trucking Association Director of Marketing and Public Relations, submitted an email with the following statement: “On behalf of Paul DeLong [Board Member, Nevada Trucking Association], Paul Enos [CEO, Nevada Trucking Association], and Todd Anderson [Board Member, Nevada Trucking Association] we are happy with the revised regulations to NAC 484D. Thank you for your support. We look forward to working with you in the future.”

Obtaining Copies: An interested person may obtain copies of the transcripts/or recordings of the proceedings, which are available for review at Nevada Department of Transportation Headquarters Building located at 1263 S. Stewart Street, Carson City, Nevada, 89712. The full Nevada Department of Transportation Board packet for the February 11, 2019 Public Hearing is available on the following website: <https://www.nevadadot.com/>.

3. The number of persons who:

- (a) **Attended each hearing/workshop:** Hearing: ~50; Workshop #1: 5; Workshop #2: 3.
(b) **Testified at each hearing/workshop:** Hearing: 0; Workshops: 0.
(c) **Submitted to agency written comments:** Hearing: 0; Workshops: 0

Two Emails Submitted: No written statements from the workshops or meetings were submitted to the agency. Two written comments were submitted via email prior to the Public Hearing, which are summarized in Section 2 above.

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.

Rich Casci
Operations Manager/Dispatch
Sierra Rental & Transport
1305 Kleppe Lane
Sparks, Nevada 89431

Kimberly Yaeger
Director of Marketing & Member Relations
Nevada Trucking Association
8745 Technology Way, Ste. E
Reno, NV 89521

Business Phone: (775) 358-7344
rich@sierrarentalandtransport.com

Business Phone: 775.673.6111
kim@nevadatrucking.com

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.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. Item #2 summarizes how comments were solicited; includes the responses; and details how an interested person may obtain a copy of the summary. A reiterated summary of each is provided below:

- 1) Copies of the proposed regulation, notice of intent to act upon a regulation, and notice of workshop and Public Hearing were sent by U.S. mail and email to small businesses who were known to have an interest in the subjects of noticing or that specifically requested said noticing and information. These documents were made available on the Nevada Department of Transportation (NDOT) website (www.nevadadot.com), and were also posted in the following offices of the Nevada Department of Transportation (NDOT) and public noticing locations: NDOT Locations (Offices—Headquarters, Districts I, II, and III; NDOT Maintenance Stations: Tonopah, Ely and Winnemucca); the Grant Sawyer State Office Building; and the following Courthouses: Washoe County and Clark County.
- 2) Two positive comments were received prior to the close of the public comment period for the Public Hearing (see detailed information in #2 above.). Both public comments were received by email from members of the public, who are also staff to small businesses affected by this regulation. One comment requested redundant language to be struck from specified sections of the proposed regulations and the other comment noted support for the amended regulations.
- 3) *Obtaining Copies:* An interested person/small business may obtain copies of the transcripts/or recordings of the proceedings, which are available for review at Nevada Department of Transportation Headquarters Building located at 1263 S. Stewart Street, Carson City, Nevada, 89712. The full Nevada Department of Transportation Board packet for the February 11, 2019 Public Hearing is available on the following website: <https://www.nevadadot.com/>.

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.

Businesses in the trucking industry currently ensure safe transport by surveying routes and hiring pilot cars, when necessary and appropriate. While there is a cost to conduct both activities, it is not a new cost introduced by this regulation. Rather, it is industry best practice. Therefore, these proposed amendments are to keep pace with industry standards and are not anticipated to increase costs.

While there is not an estimated amount for the economic effect, these amendments could be more cost effective and beneficial for the trucking industry subject to this regulation. The ability to harmonize regulations with other states, increase allowable travel time, provide permits on a mobile device, and know that there is an online permitting system available can reduce industry costs, with the goal of increasing potential profits.

There is no direct effect on the public.

8. The estimated cost to the agency for enforcement of the proposed regulation.

The only costs associated with enforcement will be the cost for staff time. Given that these amended regulations align with current business practices, it is not estimated to incur additional salary costs.

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 regulation of travel for the same activity.

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 how to obtain a permit and conditions by which travel is authorized for over-dimensional vehicles. There is no impact to that would restrict the formation, operation or expansion of a small business.