

ASSEMBLY BILL NO. 214—ASSEMBLYWOMAN ANDERSON

FEBRUARY 22, 2023

JOINT SPONSOR: SENATOR DALY

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing certain regional transportation commissions. (BDR 22-90)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: No.

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

AN ACT relating to regional transportation commissions; providing certain eligibility requirements for a person to submit a bid for a high-capacity transit system utilizing a turnkey procurement process; providing certain requirements for the use of an electronic surveillance system; revising certain requirements relating to the establishment of an advisory committee by a regional transportation commission; revising certain requirements for a commission to use a turnkey procurement process for a high-capacity transit system; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, a board of county commissioners may by ordinance create  
2 a regional transportation commission if a streets and highways plan has been  
3 adopted as part of the master plan by the county or regional planning commission.  
4 (NRS 277A.170) Existing law authorizes a regional transportation commission to  
5 provide for and maintain such security in operations as is necessary for the  
6 protection of persons and property. (NRS 277A.260) **Section 2** of this bill  
7 authorizes a regional transportation commission to: (1) use an electronic  
8 surveillance system to provide and maintain such security in operations; and (2)  
9 establish a fine for a passenger who refuses to comply with a regional or statewide  
10 health and safety standard or mandate. **Section 2** further: (1) requires a regional  
11 transportation commission to adopt certain policies and procedures governing the  
12 maintenance of records made or recorded by an electronic surveillance system; (2)  
13 provides that any record made or recorded by an electronic surveillance system is a



14 public record; and (3) provides that the provisions of **section 2** do not supersede the  
15 provisions of a collective bargaining agreement.

16 Existing law requires the regional transportation commission in a county whose  
17 population is 700,000 or more (currently only Clark County) to establish an  
18 advisory committee to provide certain information and advice to the commission  
19 relating to public mass transportation in the county. The advisory committee  
20 consists of: (1) two members of the general public from each city within the county  
21 who are appointed by the governing body of that city; and (2) six members of the  
22 general public appointed by the regional transportation commission. (NRS  
23 277A.340) **Section 3** of this bill: (1) revises the population requirement for a  
24 county to establish such an advisory committee to be 100,000 or more (currently  
25 Clark and Washoe Counties); and (2) requires the appointing authorities to  
26 coordinate to ensure that at least two of the members on the advisory committee are  
27 representatives of the employees who work on a public transit system in the county,  
28 are not in a supervisory position and are recommended by the principal officers of  
29 the employee organization that represent such employees.

30 Existing law: (1) authorizes a regional transportation commission in a county  
31 whose population is 700,000 or more (currently only Clark County) to utilize a  
32 turnkey procurement process to select a person to design, build, finance, operate  
33 and maintain, or any combination thereof, a high-capacity transit system, including,  
34 without limitation, any minimum operable segment thereof; and (2) requires the  
35 regional transportation commission to evaluate whether turnkey procurement is the  
36 most cost-effective method of constructing the project on schedule and in  
37 satisfaction of its transportation objectives. (NRS 277A.450) **Section 6** of this bill  
38 requires the regional transportation commission to: (1) evaluate whether turnkey  
39 procurement is the most cost-effective method of constructing, operating or  
40 maintaining the project on schedule and in satisfaction of its transportation  
41 objectives in comparison to using the employees of the regional transportation  
42 commission; (2) publish a report of its evaluation; and (3) transmit a copy of the  
43 report to the Department of Transportation.

44 If a regional transportation commission utilizes a turnkey procurement process  
45 for a high-capacity transit system, **section 1** of this bill sets forth certain eligibility  
46 requirements for a person who submits a bid on or is awarded a contract for the  
47 high-capacity transit system. **Section 1** also provides: (1) certain requirements for  
48 the termination of such a contract; and (2) that if such a contract is terminated, the  
49 person is not eligible to submit a bid on or be awarded a contract or subcontract  
50 with the regional transportation commission for a period of time to be determined  
51 by the regional transportation commission.

52 **Sections 4, 5 and 7** of this bill make conforming changes to indicate the proper  
53 placement of **section 1** in the Nevada Revised Statutes.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 277A of NRS is hereby amended by  
2 adding thereto a new section to read as follows:

3 *1. If a commission utilizes a turnkey procurement process for*  
4 *a high-capacity transit project pursuant to subsection 1 of NRS*  
5 *277A.450, any person who bids on or is awarded a contract for the*  
6 *high-capacity transit project or any portion thereof, must agree*  
7 *and provide a statement, in writing, that he or she will:*



1 (a) Pay the applicable prevailing wage, as determined by the  
2 Labor Commissioner pursuant to NRS 338.030, for each worker  
3 on the project;

4 (b) Provide each worker on the project with written notice of  
5 the appropriate prevailing wage rate and maintain a copy of each  
6 notice for inspection by the commission;

7 (c) Maintain or participate in an apprenticeship program that  
8 is registered and approved by the State Apprenticeship Council  
9 pursuant to chapter 610 of NRS for each trade or occupation in  
10 the workforce of the person for which there is such an  
11 apprenticeship program and abide by any requirements of such a  
12 program regarding the ratio of apprentices to journeymen;

13 (d) Provide a health insurance plan to all employees or similar  
14 type of coverage that is comparable in value to the coverage  
15 generally provided in the applicable trade or occupation and  
16 within the applicable prevailing wage rate for each worker;

17 (e) Maintain a policy of industrial insurance for all workers on  
18 the project employed by the contractor or subcontractor;

19 (f) Not engage in employee misclassification, as defined in  
20 NRS 607.216;

21 (g) Disclose any previous violation of a labor or employment  
22 law;

23 (h) Disclose any previous occurrence of a default, lien,  
24 liquated damages or finding of irresponsibility;

25 (i) Provide documentation from a previous project  
26 demonstrating the quality of work, timeliness of performance and  
27 the history of the person in completing projects within the budget;  
28 and

29 (j) Provide a certified financial statement to demonstrate that  
30 the person has adequate resources, credit, insurance and bonds to  
31 complete performance of the contract.

32 2. A commission that enters into a contract for which a  
33 person provided the written statement required pursuant to  
34 subsection 1 may terminate such a contract upon a motion by the  
35 commission or upon a request submitted to the commission by a  
36 member of the public to terminate the contract if:

37 (a) The person substantially breaches the contract or fails to  
38 comply with the obligations set forth in subsection 1; and

39 (b) The commission holds a public hearing within 30 days  
40 after the receipt of such a motion or request to terminate the  
41 contract.

42 3. A person whose contract is terminated pursuant to  
43 subsection 2 is not eligible to submit a bid on or be awarded a  
44 contract or subcontract with the commission for a period of time



1 *to be determined by the commission, which must be not less than 1*  
2 *year and not more than 3 years.*

3 **Sec. 2.** NRS 277A.260 is hereby amended to read as follows:  
4 277A.260 1. A commission may:

5 ~~[1.]~~ (a) Provide for and maintain such security in operations ,  
6 *including, without limitation, an electronic surveillance system,* as  
7 is necessary for the protection of persons and property under its  
8 jurisdiction and control.

9 ~~[2.]~~ (b) Employ professional, technical, clerical and other  
10 personnel necessary to carry out the provisions of this chapter.

11 ~~[3.]~~ (c) Establish ~~[a fine]~~  *fines* for a passenger who refuses to  
12 ~~[pay]~~ :

13 (1)  *Pay* or otherwise fails to pay the proper fare to ride on the  
14 public transit system established and operated by the commission ~~[ ]~~  
15 ; *or*

16 (2)  *Comply with a regional or statewide health and safety*  
17  *standard or mandate.*

18 *↪* If the commission establishes such ~~[a fine,]~~  *fines*, the commission  
19 may establish procedures that provide for the issuance and  
20 collection of the ~~[fine,]~~  *fines*.

21 2.  *If a commission provides and maintains an electronic*  
22  *surveillance system on a public transit system, or any portion*  
23  *thereof, pursuant to paragraph (a) of subsection 1, the*  
24  *commission shall establish policies and procedures governing the*  
25  *use of the electronic surveillance system which must, without*  
26  *limitation:*

27 (a)  *Require the commission to maintain, for at least 90 days,*  
28  *any record made or recorded by an electronic surveillance system;*

29 (b)  *Require, upon the request of a labor organization that is*  
30  *the exclusive bargaining agent of the employees of the*  
31  *commission, the production of any record made or recorded within*  
32  *72 hours after the request is made;*

33 (c)  *Require any person who contracts with the commission to*  
34  *operate the public transit system and who uses the electronic*  
35  *surveillance system while performing the duties of such a contract*  
36  *to operate the electronic surveillance system and maintain the*  
37  *records from the electronic surveillance system in accordance with*  
38  *this subsection; and*

39 (d)  *Establish disciplinary rules for any employee or contractor*  
40  *who:*

41 (1)  *Intentionally manipulates any record made or recorded*  
42  *by the electronic surveillance system; or*

43 (2)  *Prematurely erases or destroys a record made or*  
44  *recorded by the electronic surveillance system.*



1       **3. Any record made or recorded by an electronic surveillance**  
2 **system pursuant to this section is a public record which may be**  
3 **requested only on a per incident basis.**

4       **4. This section does not supersede the provisions of a**  
5 **collective bargaining agreement or constitute a waiver of the**  
6 **obligations of an employer to notify and bargain with an exclusive**  
7 **representative of a bargaining unit over an electronic surveillance**  
8 **system or any policy or procedure established by the commission**  
9 **pursuant to this section.**

10       **Sec. 3.** NRS 277A.340 is hereby amended to read as follows:

11       277A.340 1. In a county whose population is ~~[700,000]~~  
12 **100,000** or more, the commission shall establish an advisory  
13 committee to provide information and advice to the commission  
14 concerning the construction, installation and maintenance of  
15 benches, shelters and transit stops for passengers of public mass  
16 transportation in the county. The membership of the advisory  
17 committee must consist of:

18       (a) Two members of the general public **or one employee**  
19 **representative appointed pursuant to subsection 2** from each city  
20 within the county who are appointed by the governing body of that  
21 city; and

22       (b) Six members of the general public **or one employee**  
23 **representative appointed pursuant to subsection 2** appointed by the  
24 commission.

25       2. **The appointing authorities shall coordinate to ensure that**  
26 **at least two of the members appointed pursuant to paragraphs (a)**  
27 **and (b) of subsection 1:**

28       (a) **Are representatives of the employees who work on a public**  
29 **transit system in the county;**

30       (b) **Are not in a supervisory position; and**

31       (c) **Are recommended by the principal officers of the employee**  
32 **organization that represents such employees.**

33       3. Each member of the advisory committee serves a term of 1  
34 year. A member may be reappointed for additional terms of 1 year  
35 in the same manner as the original appointment.

36       ~~[3.]~~ 4. A vacancy occurring in the membership of the advisory  
37 committee must be filled in the same manner as the original  
38 appointment.

39       ~~[4.]~~ 5. The advisory committee shall meet at least six times  
40 annually.

41       ~~[5.]~~ 6. At its first meeting and annually thereafter, the advisory  
42 committee shall elect a chair and vice chair from among its  
43 members.



1 ~~6.~~ 7. Each member of the advisory committee serves without  
2 compensation and is not entitled to receive a per diem allowance or  
3 travel expenses.

4 **Sec. 4.** NRS 277A.400 is hereby amended to read as follows:

5 277A.400 As used in NRS 277A.400 to 277A.490, inclusive,

6 ~~["high-capacity"]~~ *and section 1 of this act:*

7 1. *"High-capacity transit"* means a public transit system that  
8 may provide a higher level of passenger capacity by increasing,  
9 without limitation, the number of vehicles utilized by the system,  
10 the size of the vehicles, the frequency of vehicle rides, travel speed  
11 or any combination thereof, and that operates in conjunction with  
12 public transit stations. The term includes, without limitation, bus  
13 rapid transit, fixed guideway, light rail transit, commuter rail,  
14 streetcar and heavy rail.

15 2. *"Turnkey procurement" means a competitive procurement*  
16 *process by which a person is selected by a commission, based on*  
17 *evaluation criteria established by the commission, to design, build,*  
18 *operate and maintain, or any combination thereof, a high-capacity*  
19 *transit system, or a portion thereof, in accordance with*  
20 *performance criteria and technical specifications established by*  
21 *the commission.*

22 **Sec. 5.** NRS 277A.410 is hereby amended to read as follows:

23 277A.410 The provisions of NRS 277A.400 to 277A.490,  
24 inclusive, *and section 1 of this act* apply only to a commission in a  
25 county whose population is 700,000 or more.

26 **Sec. 6.** NRS 277A.450 is hereby amended to read as follows:

27 277A.450 1. Notwithstanding the provisions of chapter 332  
28 of NRS or NRS 625.530, a commission may utilize a turnkey  
29 procurement process to select a person to design, build, finance,  
30 operate and maintain, or any combination thereof, a high-capacity  
31 transit system, including, without limitation, any minimum operable  
32 segment thereof. The commission shall determine *, in a public*  
33 *meeting*, whether to utilize turnkey procurement for a high-capacity  
34 transit project before the completion of the preliminary engineering  
35 phase of the project. In making that determination, the commission  
36 shall *, in a public meeting*, evaluate whether turnkey procurement is  
37 the most cost-effective method of constructing *, operating or*  
38 *maintaining* the project on schedule and in satisfaction of its  
39 transportation objectives ~~["]~~ *in comparison to the cost of using*  
40 *employees of the commission to construct, operate or maintain the*  
41 *project. The commission shall publish a report explaining its*  
42 *evaluation and transmit a copy of the report to the Department of*  
43 *Transportation.*

44 2. Notwithstanding the provisions of chapter 332 of NRS, a  
45 commission may utilize a competitive negotiation procurement



1 process to procure rolling stock for a high-capacity transit project  
2 and any other equipment that is related to the project. The award of  
3 a contract under such a process must be made to the person whose  
4 proposal is determined to be the most advantageous to the  
5 commission, based on price and other factors specified in the  
6 procurement documents.

7 3. If a commission develops a high-capacity transit project, the  
8 Department of Transportation is hereby designated to serve as the  
9 oversight agency to ensure compliance with the federal safety  
10 regulations for rail fixed guideway *public transportation* systems  
11 set forth in 49 C.F.R. Part ~~[659.]~~ *674*.

12 4. As used in this section ~~[-]~~  
13 ~~—(a) “Minimum] , “minimum”~~ operable segment” means the  
14 shortest portion of a high-capacity transit system that is technically  
15 capable of providing viable public transportation between two end  
16 points.

17 ~~[(b) “Turnkey procurement” means a competitive procurement~~  
18 ~~process by which a person is selected by a commission, based on~~  
19 ~~evaluation criteria established by the commission, to design, build,~~  
20 ~~operate and maintain, or any combination thereof, a high-capacity~~  
21 ~~transit system, or a portion thereof, in accordance with performance~~  
22 ~~criteria and technical specifications established by the commission.]~~

23 **Sec. 7.** NRS 277A.490 is hereby amended to read as follows:

24 277A.490 The proceeds of any tax imposed pursuant to NRS  
25 277A.470 and 277A.480 must be remitted by the Department of  
26 Taxation to the commission for use in accordance with the  
27 provisions of NRS 277A.400 to 277A.490, inclusive ~~[-]~~ , *and*  
28 *section 1 of this act.*

