

**ADOPTED REGULATION OF THE
ADMINISTRATOR OF THE DIVISION OF MUSEUMS AND
HISTORY OF THE DEPARTMENT OF CULTURAL AFFAIRS**

LCB File No. R086-06

Effective June 1, 2006

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

AUTHORITY: §§1-7, NRS 381.0061.

A REGULATION relating to the Nevada State Railroad Museums; prescribing requirements for the use and safe operation of museum railroad equipment; and providing other matters properly relating thereto.

Section 1. Chapter 381 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Administrator” means the Administrator of the Division.*

Sec. 4. *“Department” means the Department of Cultural Affairs.*

Sec. 5. *“Division” means the Division of Museums and History of the Department.*

Sec. 6. 1. *Each Nevada State Railroad Museum within the Division shall preserve the safety of the general public by ensuring the safe use and operation of historic museum railroad equipment at the Museum.*

2. *Each crew member for a Nevada State Railroad Museum within the Division who operates museum railroad equipment must:*

- (a) Be a staff member or volunteer of the Museum;*
- (b) Be issued a set of Safety Rules and General Operating Rules for the use and operation of historic museum railroad equipment;*
- (c) Satisfactorily complete safety and operational rule training and successfully pass a test administered by the Museum's Director or his designee before beginning train service; and*
- (d) Attend an annual safety meeting.*

Sec. 7. The Administrator or his designee will review on an annual basis the Safety Rules and General Operating Rules for the use and operation of historic museum railroad equipment. The Rules must be updated to reflect changes in operations or regulations imposed by the Public Utilities Commission of Nevada or the Federal Railroad Administration. The Administrator is hereby designated as the official authority to make changes to the Safety Rules and General Operating Rules.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R086-06

The Administrator of the Division of Museums and History of the Department of Cultural Affairs adopted regulations assigned LCB File No. R086-06 which pertain to chapter 381 of the Nevada Administrative Code on May 23, 2006.

Notice date: 4/21/2006
Hearing date: 5/23/2006

Date of adoption by agency: 5/23/2006
Filing date: 6/1/2006

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Notice of Intent to File a Regulation was posted in the State Library and Archives, every State museum in Nevada, the Division of Museums and History Administrative Office, the Department of Cultural Affairs Director's Office, and mailed to every public library in Nevada for posting. There was no public response to the proposed regulation.

2. The number of persons who:
 - (a) Attended each hearing: 20
 - (b) Testified at each hearing: 1
 - (c) Submitted to the agency written comments: None

3. 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.

Notice of Intent to File a Regulation was posted in the State Library and Archives, every State museum in Nevada, the Division of Museums and History Administrative Office, the Department of Cultural Affairs Director's Office, and mailed to every public library in Nevada for posting. There was no business response to the proposed regulation.

4. 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 comments were received that resulted in any changes to the regulations.

5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and the public. These must be stated separately, and each case must include:
 - (a) Both adverse and beneficial effects; and
 - (b) Both immediate and long-term effects.

There is no impact to businesses from the repeal of these regulations.

There is no impact to the public from the repeal of these regulations.

6. The estimated cost to the agency for enforcement of the adopted regulation.

Minimal administrative impact. Financial impacts are limited to the cost of printing and distributing safety and operating rule books and testing materials, estimated at less than \$200 per year.

7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

None.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Not applicable.

9. 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.

Not applicable.