

**LCB File No. R086-06**

**PROPOSED REGULATION OF THE DIVISION OF MUSEUMS AND  
HISTORY OF THE DEPARTMENT OF CULTURAL AFFAIRS**

**NOTICE OF INTENT TO ACT UPON A REGULATION**

Notice of Hearing for the Adoption of Regulations of the  
Department of Cultural Affairs  
Nevada Division of Museums and History

The Department of Cultural Affairs will hold a public hearing at 9:00 a.m. on May 23, 2006, in Conference Room A of the Nevada State Library and Archives, 100 N. Stewart Street, Carson City, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations in accordance with Nevada Revised Statutes 381.0061.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1) NRS 381.0061 requires the Division of Museums and History to adopt regulations governing the use and safe operation of locomotives, motorcars, cars, recreational or commercial rides on trains and fixtures owned by the State of Nevada.

2) The substance of the regulations to be adopted includes requirements that:

- Train operating crews be provided with safety and general operating rules for rail operation.
- All prospective crew satisfactorily complete safety and operating rule training and pass a test prior to entering train service.
- All crew members must attend an annual safety meeting to remain in train service.
- The Safety Rulebook and General Operating Rules be reviewed and updated annually to reflect changes in operations or regulations imposed by the Public Utilities Commission and/or Federal Railroad Administration. The Division of Museums and History Administrator shall have authority to make any necessary changes.

3) There is no economic effect from the proposed regulations.

4) There is no cost to the agency for enforcing the proposed regulations.

5) The proposed regulations do not duplicate or overlap any other state regulations or federal regulations.

6) The proposed regulations do not create a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of Department of Cultural Affairs may appear at the scheduled public hearing or address their comments, data, views, or arguments in

written form to Department of Cultural Affairs, 716 N. Carson Street, Suite B, Carson City, NV 89701.

Written submissions must be received by the Department of Cultural Affairs on or before May 16, 2006. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be amended and repealed will be on file at the Nevada State Library and Archives, 100 N. Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted will be available at administrative offices of the Nevada Division of Museums and History, 708 N. Curry Street, Carson City, Nevada, and at the main public library in all counties for inspection and copying by members of the public during business hours.

This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the following locations:

Department of Cultural Affairs, 716 N. Carson Street, Suite B, Carson City, NV  
Division of Museums and History, 708 N. Curry Street, Carson City, NV  
State Railroad Museum, 2180 S. Carson Street, Carson City, NV  
Nevada State Library and Archives, 100 N. Stewart Street, Carson City, NV  
Nevada Historical Society, 1650 N. Virginia Street, Reno, NV  
Nevada State Museum and Historical Society, 700 Twin Lakes Drive, Las Vegas, NV  
Lost City Museum, 721 S. Moapa Valley Blvd., Overton, NV  
East Ely Railroad Depot Museum, 1100 Avenue A, Ely, NV  
Churchill County Library, 553 S. Maine Street, Fallon, NV  
Douglas County Public Library, 165 Library Lane, Minden, NV  
Elko-Lander-Eureka Counties Library System, 720 Court Street, Elko, NV  
Esmeralda County Libraries, PO Box 128, Silverpeak, NV  
Humboldt County Library, 85 East 5th Street, Winnemucca, NV  
Lincoln County Library, 63 Main Street, Pioche, NV  
Lyon County Library System, 20 Nevin Way, Yerington, NV  
Mineral County Library, 110 First Street, Hawthorne, NV  
Pershing County Library, 1125 Central Avenue, Lovelock, NV  
Storey County Library, 95 South R Street, Virginia City, NV  
Tonopah Library District, 167 South Central Street, Tonopah, NV

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AUTHORITY: NRS 381.0061

A REGULATION relating to the Nevada State Railroad Museums; establishing requirements for the use and safe operation of locomotives, motorcars, cars, recreational or commercial rides on trains and fixtures owned by the State of Nevada.

Section 1. Chapter \_\_\_\_\_ of NAC is hereby amended by adding thereto a new section, to read as follows:

*1. The Nevada State Railroad Museums must ensure public safety in the use and operation of historic museum railroad equipment.*

*(a) Crew members operating museum railroad equipment:*

*(1) Must be staff or volunteers of the museum*

*(2) Will be issued a set of Safety Rules and General Operating Rules for the respective museum's rail operation.*

*(3) Must satisfactorily complete safety and operating rule training and pass a test administered by the museum's director or designated appointee prior to entering train service.*

*(4) Attend an annual safety meeting.*

*(b) Safety Rules and General Operating Rules shall be reviewed annually and updated to reflect changes in operations or regulations imposed by the Public Utilities Commission and/or Federal Railroad Administration. The Administrator of the Division of Museums and History will have authority to make changes to the Safety Rules and General Operating Rules.*