

SENATE BILL NO. 362—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

MARCH 25, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to public transit systems.
(BDR 22-836)

FISCAL NOTE: Effect on Local Government: No.
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 public transit; revising provisions governing the provision of certain services as part of a public transit system; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a regional transportation commission, a county whose
2 population is less than 100,000 (currently all counties other than Clark and Washoe
3 Counties) or a city within such a county to operate a public transit system
4 consisting of various transportation services. Existing law authorizes such a public
5 transit system in a county whose population is less than 700,000 (currently all
6 counties other than Clark County) to provide certain service which includes
7 microtransit. Microtransit is defined as transportation by a multipassenger vehicle
8 that carries fewer passengers than the vehicles normally used on regular routes and
9 is dispatched through a digital network or software application service. (NRS
10 277A.280) **Section 1** of this bill authorizes a regional transportation commission in
11 a county whose population is 700,000 or more (currently only Clark County) to
12 provide microtransit services as part of its public transit system.

13 With certain exceptions, existing law requires a regional transportation
14 commission in a county whose population is 700,000 or more (currently only Clark
15 County) to receive a determination from the Nevada Transportation Authority that
16 common motor carriers are not authorized to provide, do not wish to provide, or are
17 incapable of providing on-call services before providing an on-call public transit
18 system. An on-call public transit system is defined as a system established to
19 provide transportation to passengers only upon request of the passenger who needs
20 transportation. (NRS 377A.140) **Section 2** of this bill eliminates that requirement,
21 thereby allowing such a regional transportation commission to provide for an on-
22 call public transit system without receiving such a determination.



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

1 **Section 1.** NRS 277A.280 is hereby amended to read as
2 follows:

3 277A.280 1. A commission, a county whose population is
4 less than 100,000 or a city within such a county may establish or
5 operate a public transit system consisting of:

6 (a) Regular routes and fixed schedules to serve the public;

7 (b) Nonemergency medical transportation of persons to facilitate
8 their participation in jobs and day training services as defined in
9 NRS 435.176, if the transportation is available upon request and
10 without regard to regular routes or fixed schedules;

11 (c) Nonmedical transportation of persons with disabilities
12 without regard to regular routes or fixed schedules; ~~{or}~~

13 (d) In a county whose population is less than 100,000 or a city
14 within such a county, nonmedical transportation of persons if the
15 transportation is available by reservation 1 day in advance of the
16 transportation and without regard to regular routes or fixed
17 schedules ~~{ } ; or~~

18 (e) *The transporting of persons other than those specified in*
19 *paragraph (b), (c) or (d) upon request without regard to regular*
20 *routes or fixed schedules if the service is provided by microtransit.*

21 2. A commission may lease vehicles to or from or enter into
22 other contracts with a private operator for the provision of such a
23 system.

24 3. In a county whose population is less than 700,000, such a
25 system may also provide service which includes:

26 (a) Minor deviations from the regular routes and fixed schedules
27 required by paragraph (a) of subsection 1 on a recurring basis to
28 serve the public transportation needs of passengers. The deviations
29 must not exceed one-half mile from the regular routes.

30 (b) The transporting of persons other than those specified in
31 paragraph (b), (c) or (d) of subsection 1 upon request without regard
32 to regular routes or fixed schedules, if the service is provided by a
33 common motor carrier which has a certificate of public convenience
34 and necessity issued by the Nevada Transportation Authority
35 pursuant to NRS 706.386 to 706.411, inclusive, and the service is
36 subject to the rules and regulations adopted by the Nevada
37 Transportation Authority for a fully regulated carrier.

38 ~~{(e) The transporting of persons other than those specified in~~
39 ~~paragraph (b), (c) or (d) of subsection 1 upon request without regard~~
40 ~~to regular routes or fixed schedules if the service is provided by~~
41 ~~microtransit.}~~



1 4. Notwithstanding the provisions of chapter 332 of NRS or
2 NRS 625.530, a commission may utilize a turnkey procurement
3 process to select a person to design, build, operate and maintain, or
4 any combination thereof, a fixed guideway system, including,
5 without limitation, any minimum operable segment thereof. The
6 commission shall determine whether to utilize turnkey procurement
7 for a fixed guideway project before the completion of the
8 preliminary engineering phase of the project. In making that
9 determination, the commission shall evaluate whether turnkey
10 procurement is the most cost-effective method of constructing the
11 project on schedule and in satisfaction of its transportation
12 objectives.

13 5. Notwithstanding the provisions of chapter 332 of NRS, a
14 commission may utilize a competitive negotiation procurement
15 process to procure rolling stock for a fixed guideway project, rolling
16 stock for a public transit system, facilities and any other equipment
17 that is related to public transportation. The award of a contract under
18 such a process must be made to the person whose proposal is
19 determined to be the most advantageous to the commission, based
20 on price and other factors specified in the procurement documents.

21 6. If a commission develops a fixed guideway project, the
22 Department of Transportation is hereby designated to serve as the
23 oversight agency to ensure compliance with the federal safety
24 regulations for rail fixed guideway systems set forth in 49 C.F.R.
25 Part 659.

26 7. As used in this section:

27 (a) "Fully regulated carrier" means a common carrier or contract
28 carrier of passengers or household goods who is required to obtain
29 from the Nevada Transportation Authority a certificate of public
30 convenience and necessity or a contract carrier's permit and whose
31 rates, routes and services are subject to regulation by the Nevada
32 Transportation Authority.

33 (b) "Microtransit" means transportation by a multipassenger
34 vehicle that carries fewer passengers than the vehicles normally
35 used on regular routes and is dispatched through a digital network or
36 software application service.

37 (c) "Minimum operable segment" means the shortest portion of
38 a fixed guideway system that is technically capable of providing
39 viable public transportation between two end points.

40 (d) "Turnkey procurement" means a competitive procurement
41 process by which a person is selected by a commission, based on
42 evaluation criteria established by the commission, to design, build,
43 operate and maintain, or any combination thereof, a fixed guideway
44 system, or a portion thereof, in accordance with performance criteria
45 and technical specifications established by the commission.



1 **Sec. 2.** NRS 377A.140 is hereby amended to read as follows:

2 377A.140 ~~1. Except as otherwise provided in subsection 2,~~

3 ~~1] A public transit system in a county whose population is 700,000~~
4 ~~or more may, in addition to providing local transportation within the~~
5 ~~county and the services described in NRS 377A.130, provide:~~

6 ~~1. Programs to reduce or manage motor vehicle traffic;~~
7 ~~and~~

8 ~~2. Any other services for a public transit system which~~
9 ~~are requested by the general public,~~

10 ~~if those additional services are included and described in a long-~~
11 ~~range plan adopted pursuant to 23 U.S.C. § 134 and 49 U.S.C. §~~
12 ~~5303.~~

13 ~~2. Before a regional transportation commission may provide~~
14 ~~for an on-call public transit system in an area of the county, other~~
15 ~~than an on-call public transit system that provides the nonemergency~~
16 ~~medical transportation described in NRS 377A.130, the commission~~
17 ~~must receive a determination from the Nevada Transportation~~
18 ~~Authority that:~~

19 ~~(a) There are no common motor carriers of passengers who are~~
20 ~~authorized to provide on-call operations for transporting passengers~~
21 ~~in that area; or~~

22 ~~(b) Although there are common motor carriers of passengers~~
23 ~~who are authorized to provide on-call operations for transporting~~
24 ~~passengers in the area, the common motor carriers of passengers do~~
25 ~~not wish to provide, or are not capable of providing, those~~
26 ~~operations.~~

27 ~~3. As used in this section:~~

28 ~~(a) "Common motor carrier of passengers" has the meaning~~
29 ~~ascribed to it in NRS 706.041.~~

30 ~~(b) "On-call public transit system" means a system established~~
31 ~~to transport passengers only upon the request of a person who needs~~
32 ~~transportation.]~~

