

Senate Bill No. 362–Committee on
Growth and Infrastructure

CHAPTER.....

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:

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

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

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

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

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

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

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



(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; ~~for~~

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

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

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

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

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

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

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

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



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

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

7. As used in this section:

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

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

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

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

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

377A.140 ~~1. Except as otherwise provided in subsection 2,~~
a) A public transit system in a county whose population is 700,000 or more may, in addition to providing local transportation within the county and the services described in NRS 377A.130, provide:

~~(a)~~ **1.** Programs to reduce or manage motor vehicle traffic; and

~~(b)~~ **2.** Any other services for a public transit system which are requested by the general public,



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

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

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

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

~~—3. As used in this section:~~

~~—(a) “Common motor carrier of passengers” has the meaning ascribed to it in NRS 706.041.~~

~~—(b) “On-call public transit system” means a system established to transport passengers only upon the request of a person who needs transportation.]~~

