



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

1263 S. Stewart Street
Carson City, Nevada 89712

RUDY MALFABON, P.E., Director

In Reply Refer to:

**NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON CONVERTING A
TEMPORARY REGULATION TO A PERMANENT REGULATION**

The Nevada Department of Transportation, Office of Roadway Systems, 1263 South Stewart Street, Carson City, Nevada, 89712, (775) 888-7675, is proposing to convert a Temporary Regulation to a Permanent Regulation pertaining to Chapter 408 of Nevada Administrative Code. The proposed Permanent Regulation has been drafted by the Legislative Council Bureau and has been assigned LCB #R012-15. **A workshop has been set for the following time and locations:**

11:00 am, on Thursday, September 3, 2015, at the Department of Transportation Headquarters Building, 1263 South Stewart Street, 3rd floor conference room, large side, Carson City, Nevada, 89712

Video conferencing to the following NDOT locations on the same date and time as indicated above are scheduled:

Department of Transportation, District III Office, Main Conference Room, 1951 Idaho Street, Elko, Nevada, 89801.

Department of Transportation, District I Office, Training Room-Building B, 123 East Washington Avenue, Las Vegas, Nevada 89101.

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

The Department of Transportation intends to convert an existing Temporary Regulation that was approved by the Transportation Board in January of 2015 to a Permanent Regulation. This will permanently amend section 1 of Chapter 408, NAC, *Highways, Roads, and Transportation Facilities*, by converting an existing temporary regulation to a permanent regulation that added a new section to comply with recent changes to NRS 408.527.

A copy of all materials relating to the proposal may be obtained at the workshop or at the Nevada Department of Transportation, Office of Roadway Systems at 1263 South Stewart Street, Carson City, Nevada, 89712, or by phone by contacting Sydnie Schlachta (775) 888-7179 (Email: Splattschlachta@dot.state.nv.us) or Bob Madewell (775) 888-7675 (Email: Rmadewell@dot.state.nv.us). A reasonable fee for copying may be charged for paper documents. Documents may also be requested electronically.

Notice of Workshop to Solicit Comments on Converting a Temporary Regulation to a Permanent Regulation

September 3, 2015 (Carson City) w/video conferencing to Elko and Las Vegas, NV.

Because this regulation prescribes the process of transferring roads between government agencies, while keeping the roads open for public use, and does not require any direct action by small business or directly affect their operations, the Department of Transportation has determined that this regulation will have no small business impact.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted on the agency's website, www.nevadadot.com, and at the following locations:

Nevada Department of Transportation
1236 S. Stewart St.
Carson City, NV 89712

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Nevada Department of Transportation
District I Office
123 E. Washington Ave.
Las Vegas, NV 89125

Pershing County Library
P.O. Box 781
Lovelock, NV 89419

Nevada Department of Transportation
Tonopah Maintenance Station
805 Erie Main
Tonopah, NV 89049

Storey County Library
P.O. Box 14, 95 S. R St.
Virginia City, NV 89440

Nevada Department of Transportation
District II Office
310 Galletti Way
Sparks, NV 89431

Nevada Department of Transportation
District III Office
1951 Idaho St.
Elko, NV 89801

Washoe County Courthouse
75 Court St.
Reno, NV 89520

Nevada Department of Transportation
Winnemucca Maintenance Station
725 West 4th St.
Winnemucca, NV 89446

Churchill County Library
5553 S. Maine St.
Fallon, NV 89406

Nevada Department of Transportation
Ely Maintenance Station
1401 Ave. F
Ely, NV 89301

Lincoln County Library
93 Main St.
Pioche, NV 89043

RTC of Southern Nevada
600 S. Grand Central Pkwy.
Suite 350
Las Vegas, NV 89106

Grant Sawyer State Office Building
555 E. Washington Ave.
Las Vegas, NV 89101

Goldfield Public Library
P.O. Box 430, Fourth & Crook St.
Goldfield, NV 89013

Eureka Branch Library
P.O. Box 293, 1125 Central Ave.
Eureka, NV 89316

Battle Mountain Branch Library
P.O. Box 141, 625 S. Broad St.
Battle Mountain, NV 89820

Douglas County Library
P.O. Box 337, 171 Central St.
Minden, NV 8942

Mineral County Library
P.O. Box 1390, First & A Street
Hawthorne, NV 89415

AGENDA

1. Call to Order
2. Report by the Department on a regulation proposed to be converted from a temporary regulation to a permanent regulation and be adopted pursuant to NRS 408.527.
3. Public Comment and discussion: Public Comment may be limited to five (5) minutes per person at the discretion of the Department's spokesperson. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken.
4. Adjournment

This notice and agenda has been posted on or before 9 a.m. on the fifteenth (15th) working day before the meeting at the locations listed above.

Date : August 7, 2015

Chapter 408 of NAC is hereby amended by adding thereto the provisions set forth as sections _____ and _____ of this regulation.

(NEW) NAC (Recommended Number 408.182) “Local Government” defined. (NRS 408.215). *“Local Government” for the purpose of NAC 408.567 means the legislative body of any county or city.*

(Added to NAC by Dep’t of Transportation, eff. __-__-14)

(NEW) NAC (Recommended Number 408.567) Requirements for the relinquishment of roads and road trades between the Department and Local Governments. (NRS 408.527)

1. The relinquishment process provided for in NRS 408.527 shall be conducted as set forth in this section. The Department shall work collaboratively with Local Governments to create a process by which the Department and Local Governments may relinquish those roads under each’s control to the other entity as provided for in this section.

2. The Department, in cooperation with Local Governments, shall develop a working manual, which shall identify the process for proposing, developing, evaluating, and completing road relinquishments between the Department and Local Governments. This manual shall be entitled “State of Nevada, Department of Transportation, Guide to Roadway Relinquishments” (the “Guide”). The development of the Guide shall be accomplished in the following manner:

(a) The Department shall develop preliminary recommended language for the Guide and shall submit the proposed Guide to the Chief Administrative Officer of each Local Government. Each Local Government shall have a minimum of 45 calendar days to provide comment on the proposed language for the Guide.

(b) Upon completion of the 45-day review period, the Department shall develop a written response to each comment received. The list of comments and responses shall be sent to all Local Governments within 20 calendar days of the close of the 45-day review period.

(c) The Department shall use its best efforts to resolve disagreements, if any, between the Department and any Local Government. If an agreement cannot be reached, the Department shall submit the Guide to the Board for approval at a scheduled public meeting.

(d) All persons in attendance at the scheduled Board meeting shall have an opportunity to provide comment and recommendations to the Board concerning the proposed language.

(e) The Board shall consider the recommendations from the Department and those comments and recommendations of persons in attendance at such scheduled meeting regarding the proposed revisions to the Guide. The Board shall approve or deny the proposed language to

the Guide. In the event the Board denies any portion of the language in the Guide, it shall direct the Department to meet with Local Governments to work on alternative language and submit such alternative language to the Board at a subsequent Board meeting for approval. This resubmission of language to the Board shall not be considered a new request subject to the time limits for a Revision Cycle set forth in Subsection 3 to this Section.

(f) Once approved by the Board, the Department shall place the Guide on its website for public viewing.

3. *The process to seek approval of new or revised language may be commenced by the Department by bringing such revision to the Board once per year during the months of October and/or November upon the prior completion of the following required procedures (the “Revision Cycle”):*

(a) At least 90 calendar days prior to a scheduled Board meeting to approve any revisions to the Guide, the Department shall provide a copy of such proposed revisions to the Chief Administrative Officer of each Local Government.

(b) All Local Governments shall have no less than 30 calendar days to review the proposed revisions to the Guide and provide their comments, if any, to the Department (the “Review Period”).

(c) The Department shall evaluate all written comments within 15 calendar days of the close of the Review Period (the “Evaluation Period”).

(d) The Department shall provide its comments to the Chief Administrative officer of each Local Government within 5 calendar days of the close of the Evaluation Period (the “Notification Period”).

(e) If necessary to resolve any conflicts in the proposed language, if any, between the Department and the Local Governments, the Department shall meet with the representatives of the Local Governments within 10 calendar days of the close of the Notification Period to discuss the disputed language. Such meeting between the Department and Local Governments shall be completed at least 30 calendar days prior to the scheduled Board meeting date as set forth in this subsection 3.

(f) In the event the Department and Local Governments are unsuccessful at resolving any disputed language, the Department shall submit the Guide with its proposed revised language to the Board for approval at the scheduled meeting.

(g) All persons at attendance of the scheduled Board meeting shall have an opportunity to provide comment and recommendations to the Board concerning the proposed language.

(h) The Board shall consider the recommendations from the Department and any comments and recommendations from persons in attendance at the scheduled meeting regarding the

proposed language. The Board shall make a final determination as to the approval of any revisions to the Guide.

(i) If the Board approves of the revisions to the Guide, the newly approved Guide shall become effective upon the Board's approval. The Department shall place the revised Guide on the Department web site along with a statement of the Board's approval.

(j) Those proposed revisions not approved by the Board shall not be adopted into the Guide, and the Department shall continue to use the Guide in existence prior to the scheduled Board meeting. The Department shall not bring to the Board any additional requests for revisions to the Guide until the next subsequent Revision Cycle in accordance with this subparagraph 2.

(Added to NAC by Dep't of Transportation, eff. __-__-14)