



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 INTENT TO ACT UPON A REGULATION
CONVERTING A TEMPORARY REGULATION TO A
PERMANENT REGULATION**

Notice of Hearing for the Adoption
Of Permanent Regulations of the
Nevada Department of Transportation

The Nevada Department of Transportation will hold a Public Hearing at its Noticed Board meeting which begins at 9am, on Monday, the 12th of October of 2015 at 1263 S. Stewart Street, 3rd Floor Conference Room, NDOT Headquarters, Carson City, Nevada. This public hearing is an agenda item on the Department of Transportation Board Agenda for this date. The purpose of the hearing is to receive comments from all interested persons regarding the conversion of a temporary regulation to a permanent regulation and its adoption as a permanent regulations as it pertains to chapter 408 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of [NRS 233B.0603](#):

1. The temporary regulation was adopted to insure that a process is in place to address road relinquishments or road trades between the State and Cities or Counties. The purpose is to insure that a formal process is in place for all agencies to follow that will describe the process to begin, negotiate and complete road relinquishments and road trades.
2. The proposed permanent regulation will convert a temporary regulation to a Permanent regulation to insure compliance with the requirements of NRS 408.527, requiring the Department to work with Local Governments and to develop a guide that will drive the process of road relinquishments between the Department and Local Government Agencies.
3. The estimated economic effect of the regulation on the State or Local Governments will be determined by negotiation between the State and each Local Government agency at the time of a proposed relinquishment or road trade.
 - a. There shall be no adverse effects on either the State or Local Governments as each party will enter into a cooperative agreement in writing before any relinquishment or road trade is completed. The intent of this regulation is to insure that each agency receives equal or acceptable benefit from the transfer of a road to its control.
 - b. The immediate effect will be to allow the State and Local Governments to formally begin discussions regarding road relinquishments and road trades and allow them to plan such action. The long-term effect will be

that the State and Local Governments may agree to the transfer of roads in a cooperative manner, thus allowing each agency to make sound decisions for their agencies and become good stewards of the taxpayers money.

4. The cost to the Department of Transportation for enforcement of the proposed regulation will be absorbed in the typical daily cost for staff services
5. There are no overlapping regulations of other state or local governmental agencies or federal agencies that will be affected by this regulation.
6. The proposed regulations are not required by any federal law.
7. The proposed regulation is not federally regulated.
8. The proposed regulation does not place any new fee or increase any existing fee as the current road relinquishment or road transfer process does not contain a fee.

Persons wishing to comment upon the proposed action of the Nevada Department of Transportation may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to **Nevada Department of Transportation, Attn: Roadway Systems Unit, 1263 S. Stewart Street, Safety/Roadway Modular, Carson City, Nevada, 89712**. Written submissions must be received by the Nevada Department of Transportation, Roadway Systems Unit on or before September 25, 2015 at 5:00 PM. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Transportation may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at:

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

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

Nevada Department of Transportation,
1263 S. Stewart Street,
Carson City, NV 89712

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

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

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

and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours.

This notice and the text of the proposed regulation 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 it is deemed necessary.

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

NOTICE OF INTENT TO ACT UPON A REGULATION
October 12, 2015, 9:00am

This notice of hearing has been posted at the following locations:

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

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

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

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

Washoe County Courthouse
75 Court St.
Reno, NV 89520

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

Lincoln County Library
93 Main St.
Pioche, NV 89043

Lyon County Library
20 Nevin Way
Yerington, NV 89447

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

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

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

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

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

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 89423

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

AGENDA

9:00 AM, October 12, 2015

Department of Transportation, Transportation Board Meeting

3rd Floor Conference Room

1263 S. Stewart Street, Carson City, NV 89712

1. Call to Order-Open the Public Hearing
2. (Staff) Report by the Department on converting the existing temporary regulation to a permanent regulation to be adopted pursuant to the requirements of NRS 408.527. The purpose of the proposed regulations is to:
 - A) Comply with NRS 408.527, which requires the Department to adopt regulations that will guide the Road Relinquishment process.
3. Public Comment and discussion:
 - A) Only public comment relative to the proposed regulations will be taken. Public Comment may be limited to five (5) minutes per person at the discretion of the Board Chair.
4. This item has been included on the agenda as an **ACTION ITEM**.
 - A) Staff recommends that the Board adopt the Proposed Permanent Regulation.
5. Action-Vote on the proposed regulation in Item 4.
6. Close Public Hearing-Adjournment

This notice and agenda has been posted on or before 9 a.m. on the thirtieth (30th) day before the meeting at the locations listed above.

Date: August 7, 2015

**REVISED PROPOSED REGULATION OF THE
DEPARTMENT OF TRANSPORTATION**

LCB File No. R012-15

July 28, 2015

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

AUTHORITY: §1, NRS 408.527.

A REGULATION relating to roadways; providing for the establishment and subsequent revision of a manual for the relinquishment of a state highway from the Department of Transportation to a county or city, or a county or city road from a county or city to the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the relinquishment of a portion of a state highway from the Department of Transportation to a county or city or a portion of a county or city road from a county or city to the Department under certain circumstances, and requires the Department, in cooperation with local governments, to adopt regulations governing the development of procedural documents that address the process of such relinquishments. (NRS 408.527) This regulation provides the procedure for the development, approval and subsequent revision of a manual addressing the process of such relinquishments.

Section 1. Chapter 408 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Department, in cooperation with local governments, will develop a manual which sets forth the process for proposing, developing, evaluating and completing the relinquishment of a portion of a state highway from the Department to a local government or a portion of a county or city road from a local government to the Department pursuant to NRS 408.527. The manual will be developed as follows:

(a) The Department will develop a proposed draft of the manual and transmit a copy to the chief administrative officer of each local government.

(b) A local government may submit comments to the Department on the proposed manual during a review period specified by the Department, but not less than 45 calendar days after the receipt of the proposed manual.

(c) The Department will develop a written response to each comment submitted pursuant to paragraph (b), and a compilation of all comments and responses will be transmitted to each local government not later than 20 calendar days after the conclusion of the review period specified by the Department pursuant to paragraph (b).

(d) The Department will make a good faith effort to resolve any disagreement with a local government before submitting the proposed manual to the Board.

(e) The Board shall consider the proposed manual for approval at a scheduled public meeting. All persons in attendance at the public meeting must be afforded the opportunity to provide comment upon the proposed manual.

(f) The Board shall consider the recommendations of the Department and any comment presented during the meeting and shall approve or deny the proposed manual during the meeting or as soon as practicable at a subsequent public meeting. If the Board denies the proposed manual, it shall direct the Department to work with local governments to develop a new draft to be submitted to the Board for approval at a subsequent public meeting, subject to the requirements of paragraph (e).

(g) If the Board approves the proposed manual, the manual becomes effective upon approval and will be made accessible to the public on the Internet website maintained by the Department.

2. After the initial approval of the proposed manual by the Board pursuant to subsection 1, beginning during the month of October or November of each year, the Department may revise the manual as follows:

(a) The Department will transmit a copy of any proposed revisions to the chief administrative officer of each local government.

(b) A local government may submit comments on the proposed revisions during a review period specified by the Department, but not less than 30 days after the receipt of the proposed revisions.

(c) The Department will respond to each comment in writing, and a compilation of all comments and responses will be transmitted to each local government not later than 20 days after the conclusion of the review period specified by the Department pursuant to paragraph (b).

(d) Within 10 calendar days after transmitting the responses to each local government pursuant to paragraph (c), the Department will submit the proposed revisions to the Board. The Department will make a good faith effort to resolve any disagreement with a local government before submitting the proposed revisions to the Board.

(e) The Board shall consider the proposed revisions to the manual for approval at a scheduled public meeting. All persons in attendance at the public meeting must be afforded the opportunity to provide comment upon the proposed revisions.

(f) The Board shall consider the recommendations of the Department and any comment presented during the meeting and shall approve or deny the proposed revisions to the manual during the meeting or as soon as practicable at a subsequent public meeting. Any proposed revisions approved by the Board become effective upon approval. A revised manual which includes those revisions will be made accessible to the public on the Internet website maintained by the Department. Any proposed revisions not approved by the Board will not be included in the revised manual.

(g) The decision of the Board pursuant to paragraph (f) is final, and no further revisions may be proposed until the next annual revision period described in this subsection.

3. As used in this section:

(a) "Board" means the Board of Directors of the Department of Transportation.

(b) "Local government" means the governing body of any incorporated city in this State or the board of county commissioners of any county in this State.