

Transportation Planning Non-Metropolitan Local Official Participation Process

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Jim Gibbons, Governor



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**TRANSPORTATION PLANNING NON-METROPOLITAN LOCAL OFFICIAL
PARTICIPATION PROCESS**

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<p>Additional copies of this document may be obtained by contacting the following NDOT Divisions: Intermodal Planning, 1263 S. Stewart St., Carson City NV, 89712 (775)888-7465 Program Development, 1263 S. Stewart St, Carson City NV 89712 (775)888-7118 email: smallurban@dot.state.nv.us website: www.nevadadot.com</p>
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TRANSPORTATION PLANNING NON-METROPOLITAN LOCAL OFFICIAL PARTICIPATION PROCESS

I. PURPOSE

The Nevada Department of Transportation (NDOT) believes in the importance of public outreach and communication, especially in the transportation planning and programming processes. An open exchange of information among transportation users and government officials leads to better decision-making and more publicly supported programs and projects. With increasing demands on limited public resources, transportation programs and projects need public support through open and inclusive planning processes.

NDOT developed the Transportation Planning Non-Metropolitan Local Official Participation Process to document consultation with non-metropolitan local officials and Indian Tribal governments during transportation planning and programming activities, including the development of the Statewide Long-Range Transportation Plan and the Transportation System Projects. The Transportation Planning Non-Metropolitan Local Official Participation Process is separate and discrete from the Statewide Transportation Planning Public Participation Process as well as from the participation process for National Environmental Policy Act (NEPA) planning.

II. BACKGROUND

During the 1990's, federal transportation authorization acts placed a high priority on integrating and coordinating transportation plans, programs and decision-making. This was accomplished through improved partnerships with a large base of stakeholders and a variety of interest groups.

In 1991, Congress approved the Intermodal Surface Transportation Efficiency Act (ISTEA). ISTEA required each State to have a documented public participation process for statewide transportation planning activities.

In 1998, Congress passed the Transportation Equity Act for the 21st Century (TEA-21). TEA-21 required that there be a separate and discrete document outlining the statewide transportation planning outreach process for non-metropolitan local officials.

In 2005, Congress passed the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU maintained the requirement for both a documented public participation process as well as a separate process for non-metropolitan local officials and Indian Tribal governments.

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Other requirements for NDOT's transportation planning and programming activities include Title 23 of the Code of Federal Regulations (CFR) and Title 23 of the United States Code (USC) which state the specific requirements and responsibilities of planning, programming and public participation.

III. PLANNING DOCUMENTS

Statewide Long-Range Transportation Plan

The Statewide Long-Range (20-year) Transportation Plan is the compass for the Department's long-term direction. It is a plan to provide for the development, operation and maintenance of Nevada's multimodal statewide transportation system. The goals and strategies mapped out in the Statewide Long-Range Transportation Plan are used to rank projects in the annual Project Submittal evaluation process. Evaluated and ranked projects then feed into the Statewide Transportation Improvement Program (STIP).

During the development of the Statewide Long-Range Transportation Plan, the Statewide Transportation Technical Advisory Committee (STTAC) is kept informed of current plan progress and is responsible for providing review and comment on the plan revisions. The STTAC is comprised of a variety of local agencies and interests. Full STTAC membership is listed in Section IV – Planning Outreach Strategies.

In addition to STTAC participation during the development of the plan, individual state and federal agencies are met with to ensure a cooperative and coordinated transportation plan. A complete summary of Statewide Long-Range Transportation Plan outreach efforts may be found in Appendix C.

Transportation System Projects

NDOT produces the Transportation System Projects (TSP) document, which includes the Statewide Transportation Improvement Program (STIP), the Annual Work Program (AWP), and the Short and Long Range Elements utilizing a proactive public participation process.

In October/November, workshops are held in the small urban areas (under 50,000 in population) of the state. Notices of the workshops are mailed to city and county officials, road superintendents, and tribes throughout the state. The workshops are held to assist local, regional, state and tribal agencies in completing applications for NDOT's transportation improvement programs to include Enhancement, Landscape, and Project Selection. In addition, specialized programs such as "Safe Routes to School" and topical issues such as safety are discussed.

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From January through April, the Department prepares the draft Transportation System Projects (TSP) document for the next fiscal year. Information for the document is provided by NDOT's Divisions, Districts and MPOs. Project Selection Applications are reviewed and scored during this period.

Starting in May and ending in July, NDOT conducts consultations in Nevada's 17 counties including the urbanized areas (over 50,000 in population) of Clark (Las Vegas), Washoe (Reno/Sparks), the Carson area (Carson City/Douglas/Lyon Counties) and the Lake Tahoe Basin to discuss the next year's transportation work program. Nevada's 23 tribes are invited to attend Tribal consultations in each of NDOT's three statewide Maintenance Districts. Prior to the consultations, the draft TSP is mailed to all participants to allow the opportunity for review and comment on the transportation projects proposed in their area.

All consultation meetings are agendized and open to the public in accordance with the State of Nevada's Open Meeting Law (NRS Chapter 241). Participants at the meetings are encouraged to ask questions, raise issues and comment on NDOT's proposed work program. At the conclusion of the presentation to the County Commissions, RTCs (RTC of Southern Nevada and Washoe County RTC) or MPOs (Carson Area MPO, Tahoe MPO) approval of the draft TSP, in its entirety or with noted exceptions, is requested.

As part of the consultation process, the Program Development Division presents the draft TSP to the Statewide Transportation Technical Advisory Committee (STTAC). The STTAC serves as an advisory board to the NDOT's Director and the State Transportation Board. Committee members include representatives of Federal, Local, Tribal and State agencies/entities. The STTAC meetings are open to the public and are agendized according to Nevada's Open Meeting law.

Once the State's 17 counties, four urbanized areas, and 23 tribes have been presented with a draft TSP document and have commented, the information is assembled into a "Final Draft" document. This document is distributed to city and county officials, county commissioners, tribal councils, the RTCs, the MPOs, and NDOT's divisions/districts. A notice is published in local newspapers statewide, announcing a draft TSP document is available for public comment. The notice states how to receive the document and where to send written comments.

Comments on the "Final Draft" document are requested by the end of August and are considered in the development of the final document. This document is submitted to the Governor and the State Transportation Board

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in September/October for approval of the Annual Work Program (AWP), Short and Long Range Elements, and acceptance of the Statewide Transportation Improvement Program (STIP).

After the TSP is presented to the State Transportation Board and action is taken, the Statewide Transportation Improvement Program (STIP) portion of the document is submitted to the Federal Highway Administration, Federal Transit Administration, and U.S. Environmental Protection Agency for review and approval. Once the STIP is approved, the full Transportation System Projects document is sent to the Cities/Counties, Regional Transportation Commissions (RTCs), Metropolitan Planning Organizations (MPOs), State Departments to include the Legislative Council Bureau, Nevada's Indian Tribes and NDOT's Divisions/Districts. Copies of the document are also sent to libraries and are made available for the public.

The STIP and the AWP, components of the TSP, are also available to the public via the Internet at www.nevadadot.com.

Intermodal Plans

In addition to the Statewide Long-Range Transportation Plan and the Transportation System Projects, NDOT develops and maintains plans for intermodal programs. Examples of these plans include the State Management Plan, the Coordinated Human Services Transportation Plan, the Rail Plan, the Airport Systems Plan, the Bicycle Plan, and the Pedestrian Plan. These plans are reviewed by the intermodal committees for each discipline and by the STTAC. The draft and final copies are distributed to the respective committees, to the STTAC, and are sent out by mailing lists to local officials. The plans are available on the NDOT website and are available by request (via phone, mail, and email).

Corridor Studies

Corridor studies are examinations of conditions along particular corridors in the state. They are comprehensive reports analyzing current and projected demographic, socio-economic, environmental and transportation conditions within the selected corridor. Potential transportation improvements are then identified and analyzed to determine the most effective movement of people and goods through the corridor. As a result of a corridor study, projects may be identified that ultimately end up in the Statewide Transportation Improvement Program (STIP). Local officials are invited and encouraged to participate in the corridor study process. Corridor study reports are sent out by mailing lists to local officials, are available on the NDOT website, and are available by request (via phone, mail, and email).

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IV. PLANNING OUTREACH STRATEGIES

Statewide Transportation Technical Advisory Committee

NDOT formed the Statewide Transportation Technical Advisory Committee (STTAC) as one of the elements to fulfill the requirements for discussing planning and programming issues related to ISTEA, TEA-21, and SAFETEA-LU. The STTAC's purpose is to serve as an advisory board to NDOT's Director and the State Transportation Board. The STTAC provides review, comment and recommendations on the Statewide Transportation Plan, the Transportation System Projects (TSP), and other planning and programming activities. The STTAC meets on a bi-monthly basis with its membership listed below.

Statewide Transportation Technical Advisory Committee (STTAC)	
Nevada State Parks Division	Federal Highway Administration
Inter-Tribal Council of Nevada	Federal Transit Administration
Nevada League of Cities & Municipalities	Bureau of Indian Affairs
Nevada State Historic Preservation Office	Bureau of Land Management
Department of Public Safety - Office of Traffic Safety	Nevada Commission on Economic Development
Regional Transportation Commission of Southern Nevada	Nevada Commission on Tourism
Washoe County Regional Transportation Commission	Nevada Division of State Lands
Tahoe Metropolitan Planning Organization	Nevada State Energy Office
Carson Area Metropolitan Planning Organization	Highway Users Federation
Nevada Association of Counties	Other Nevada Counties and Incorporated Cities
Nevada Division of Environmental Protection	Nevada Department of Transportation
Nevada Motor Transport	Nevada Bicycle Advisory Board
City of Henderson	Nevada Aviation Technical Advisory Committee
City of Las Vegas	Advisory Committee for Transit
City of North Las Vegas	Washoe County
City of Reno	Clark County
City of Sparks	

Annual Workshops and Tours

NDOT Planning staff travels to the small urban areas of the state and to the tribes each spring and fall during the development of the TSP document and the Statewide Long-Range Transportation Plan. At the fall workshops, NDOT transportation plans, programs, projects and application processes are discussed. The morning sessions are dedicated to local officials with responsibility for transportation and the afternoon sessions are dedicated to tribal issues. During the spring county and tribal tours, NDOT staff travels to each county to discuss the transportation projects and programs relevant to each particular county and tribal area.

NDOT Website

The NDOT website (www.nevadadot.com) is another avenue for affected officials with responsibility for transportation to receive information. The website has the latest information on a wide variety of NDOT projects,

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programs and documents. Some of the topics available on the website include; Traveler Information, Doing Business with NDOT, Public Involvement, Reports and Publications, Announcements and News and links to other websites that provide transportation related information. The Statewide Long-Range Plan and the TSP document are both available under the Reports and Publications section as well as many other planning documents. The website also allows affected officials with responsibility for transportation to provide comments.

NDOT Newsletters

NDOT produces "The Centerline" monthly and "NDOT News" three times a year. These newsletters identify on-going major construction programs and projects, educational programs, environmental improvements, and information on national and regional conferences and employee recognition awards. Copies of the Centerline and NDOT News are mailed to federal and state legislators, county commissioners, regional transportation commissions, city mayors, city managers, public works directors, private corporations, consulting firms and other state agencies. They are also available on the NDOT website.

Other Meetings, Functions and Conferences

In an effort to reach out to a greater audience, NDOT staff attends, participates in and presents at events hosted by other entities, agencies, communities and tribes. Examples include local and state economic development meetings, tourism events, conferences, and BIA tribal transportation meetings where officials with responsibility for transportation decision-making are in attendance.

V. REVIEW OF THE LOCAL OFFICIAL PARTICIPATION PROCESS

NDOT continually evaluates its outreach efforts. Planning staff is always seeking new and innovative techniques to incorporate in with current practices in order to maximize outreach to non-metropolitan local officials.

At least once every five years, the State shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the consultation process and any proposed changes. A specific request for comments shall be directed to the Nevada Association of Counties, the Nevada League of Cities, non-metropolitan local officials, Indian Tribal governments, the Inter-Tribal Council of Nevada, and the regional Bureau of Indian Affairs offices for Nevada.

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APPENDIX A – GLOSSARY OF TERMS

<i>AWP</i>	Annual Work Program
<i>CFR</i>	Code of Federal Regulations
<i>Consultation</i>	One or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken (23 CFR 450.104).
<i>FHWA</i>	Federal Highway Administration
<i>FTA</i>	Federal Transit Administration
<i>Indian Tribal Government</i>	A duly formed governing body for an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, Public Law 103–454 (23 CFR 450.104).
<i>ISTEA</i>	Intermodal Surface Transportation Efficiency Act
<i>MPO</i>	Metropolitan Planning Organization
<i>Non-Metropolitan Local Official</i>	Elected and appointed officials of general purpose local government in a non-metropolitan area with responsibility for transportation (23 CFR 450.104).
<i>NRS</i>	Nevada Revised Statutes
<i>RTC</i>	Regional Transportation Commission
<i>SAFETEA-LU</i>	Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users
<i>STIP</i>	Statewide Transportation Improvement Program
<i>STTAC</i>	Statewide Transportation Technical Advisory Committee
<i>TEA-21</i>	Transportation Equity Act for the 21st Century
<i>TMA</i>	Transportation Management Areas
<i>TSP</i>	Transportation System Projects
<i>USC</i>	United States Code

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APPENDIX B – STATUTORY REQUIREMENTS

Statutory Requirements Attached

- **23 CFR 450.210** Planning Public Outreach Requirements
- **23 CFR 450.218** Federal Self-Certifications
- **NRS 241** Nevada Open Meeting Requirements
- **23 USC 135** Planning and Programming Requirements
- **NRS 408.245** Nevada's Acceptance of Federal Acts

consider desirable for making the agreements and compacts effective. The right to alter, amend, or repeal interstate compacts entered into under this part is expressly reserved.

(d) States may use any one or more of the management systems (in whole or in part) described in 23 CFR part 500.

(e) States may apply asset management principles and techniques in establishing planning goals, defining STIP priorities, and assessing transportation investment decisions, including transportation system safety, operations, preservation, and maintenance.

(f) The statewide transportation planning process shall (to the maximum extent practicable) be consistent with the development of applicable regional intelligent transportation systems (ITS) architectures, as defined in 23 CFR part 940.

(g) Preparation of the coordinated public transit-human services transportation plan, as required by 49 U.S.C. 5310, 5316, and 5317, should be coordinated and consistent with the statewide transportation planning process.

(h) The statewide transportation planning process should be consistent with the Strategic Highway Safety Plan, as specified in 23 U.S.C. 148, and other transit safety and security planning and review processes, plans, and programs, as appropriate.

§ 450.210 Interested parties, public involvement, and consultation.

(a) In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the STIP, the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points.

(1) The State's public involvement process at a minimum shall:

(i) Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes to citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of

users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties;

(ii) Provide reasonable public access to technical and policy information used in the development of the long-range statewide transportation plan and the STIP;

(iii) Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed long-range statewide transportation plan and STIP;

(iv) To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times;

(v) To the maximum extent practicable, use visualization techniques to describe the proposed long-range statewide transportation plan and supporting studies;

(vi) To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information;

(vii) Demonstrate explicit consideration and response to public input during the development of the long-range statewide transportation plan and STIP;

(viii) Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services; and

(ix) Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

(2) The State shall provide for public comment on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and the STIP. At a minimum, the State shall allow 45 calendar days for public review and

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written comment before the procedures and any major revisions to existing procedures are adopted. The State shall provide copies of the approved public involvement process document(s) to the FHWA and the FTA for informational purposes.

(b) The State shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this consultation process(es), copies of the process document(s) shall be provided to the FHWA and the FTA for informational purposes.

(1) At least once every five years (as of February 24, 2006), the State shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the consultation process and any proposed changes. A specific request for comments shall be directed to the State association of counties, State municipal league, regional planning agencies, or directly to non-metropolitan local officials.

(2) The State, at its discretion, shall be responsible for determining whether to adopt any proposed changes. If a proposed change is not adopted, the State shall make publicly available its reasons for not accepting the proposed change, including notification to non-metropolitan local officials or their associations.

(c) For each area of the State under the jurisdiction of an Indian Tribal government, the State shall develop the long-range statewide transportation plan and STIP in consultation with the Tribal government and the Secretary of Interior. States shall, to the extent practicable, develop a documented process(es) that outlines roles,

responsibilities, and key decision points for consulting with Indian Tribal governments and Federal land management agencies in the development of the long-range statewide transportation plan and the STIP.

§ 450.212 Transportation planning studies and project development.

(a) Pursuant to section 1308 of the Transportation Equity Act for the 21st Century, TEA-21 (Pub. L. 105-178), a State(s), MPO(s), or public transportation operator(s) may undertake a multimodal, systems-level corridor or subarea planning study as part of the statewide transportation planning process. To the extent practicable, development of these transportation planning studies shall involve consultation with, or joint efforts among, the State(s), MPO(s), and/or public transportation operator(s). The results or decisions of these transportation planning studies may be used as part of the overall project development process consistent with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) and associated implementing regulations (23 CFR part 771 and 40 CFR parts 1500-1508). Specifically, these corridor or subarea studies may result in producing any of the following for a proposed transportation project:

(1) Purpose and need or goals and objective statement(s);

(2) General travel corridor and/or general mode(s) definition (e.g., highway, transit, or a highway/transit combination);

(3) Preliminary screening of alternatives and elimination of unreasonable alternatives;

(4) Basic description of the environmental setting; and/or

(5) Preliminary identification of environmental impacts and environmental mitigation.

(b) Publicly available documents or other source material produced by, or in support of, the transportation planning process described in this subpart may be incorporated directly or by reference into subsequent NEPA documents, in accordance with 40 CFR 1502.21, if:

(o) In cases that the FHWA and the FTA find a STIP to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint. However, in such cases, the FHWA and the FTA will not act on an updated or amended STIP that does not reflect the changed revenue situation.

§ 450.218 Self-certifications, Federal findings, and Federal approvals.

(a) At least every four years, the State shall submit an updated STIP concurrently to the FHWA and the FTA for joint approval. STIP amendments shall also be submitted to the FHWA and the FTA for joint approval. At the time the entire proposed STIP or STIP amendments are submitted to the FHWA and the FTA for joint approval, the State shall certify that the transportation planning process is being carried out in accordance with all applicable requirements of:

- (1) 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and this part;
- (2) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (3) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- (4) Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- (5) 23 CFR part 230, regarding implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (6) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;
- (7) In States containing nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in

programs or activities receiving Federal financial assistance;

(9) Section 324 of title 23 U.S.C., regarding the prohibition of discrimination based on gender; and

(10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

(b) The FHWA and the FTA shall review the STIP or the amended STIP, and make a joint finding on the extent to which the STIP is based on a statewide transportation planning process that meets or substantially meets the requirements of 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and subparts A, B, and C of this part. Approval of the STIP by the FHWA and the FTA, in its entirety or in part, will be based upon the results of this joint finding.

(1) If the FHWA and the FTA determine that the STIP or amended STIP is based on a statewide transportation planning process that meets or substantially meets the requirements of 23 U.S.C. 135, 49 U.S.C. 5304, and this part, the FHWA and the FTA may jointly:

- (i) Approve the entire STIP;
- (ii) Approve the STIP subject to certain corrective actions being taken; or
- (iii) Under special circumstances, approve a partial STIP covering only a portion of the State.

(2) If the FHWA and the FTA jointly determine and document in the planning finding that a submitted STIP or amended STIP does not substantially meet the requirements of 23 U.S.C. 135, 49 U.S.C. 5304, and this part for any identified categories of projects, the FHWA and the FTA will not approve the STIP.

(c) The approval period for a new or amended STIP shall not exceed four years. If a State demonstrates, in writing, that extenuating circumstances will delay the submittal of a new or amended STIP past its update deadline, the FHWA and the FTA will consider and take appropriate action on a request to extend the approval beyond four years for all or part of the STIP for a period not to exceed 180 calendar days. In these cases, priority consideration will be given to projects and strategies involving the operation and management of the multimodal transportation system. Where the request

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involves projects in a metropolitan planning area(s), the affected MPO(s) must concur in the request. If the delay was due to the development and approval of a metropolitan TIP(s), the affected MPO(s) must provide supporting information, in writing, for the request.

(d) Where necessary in order to maintain or establish highway and transit operations, the FHWA and the FTA may approve operating assistance for specific projects or programs, even though the projects or programs may not be included in an approved STIP.

§ 450.220 Project selection from the STIP.

(a) Except as provided in § 450.216(g) and § 450.218(d), only projects in a FHWA/FTA approved STIP shall be eligible for funds administered by the FHWA or the FTA.

(b) In metropolitan planning areas, transportation projects proposed for funds administered by the FHWA or the FTA shall be selected from the approved STIP in accordance with project selection procedures provided in § 450.330.

(c) In non-metropolitan areas, transportation projects undertaken on the National Highway System, under the Bridge and Interstate Maintenance programs in title 23 U.S.C. and under sections 5310, 5311, 5316, and 5317 of title 49 U.S.C. Chapter 53 shall be selected from the approved STIP by the State in consultation with the affected non-metropolitan local officials with responsibility for transportation.

(d) Federal Lands Highway program projects shall be selected from the approved STIP in accordance with the procedures developed pursuant to 23 U.S.C. 204.

(e) The projects in the first year of an approved STIP shall constitute an "agreed to" list of projects for subsequent scheduling and implementation. No further action under paragraphs (b) through (d) of this section is required for the implementing agency to proceed with these projects. If Federal funds available are significantly less than the authorized amounts, or where there is significant shifting of projects among years, § 450.330(a) provides for a revised list of "agreed to" projects to

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be developed upon the request of the State, MPO, or public transportation operator(s). If an implementing agency wishes to proceed with a project in the second, third, or fourth year of the STIP, the procedures in paragraphs (b) through (d) of this section or expedited procedures that provide for the advancement of projects from the second, third, or fourth years of the STIP may be used, if agreed to by all parties involved in the selection process.

§ 450.222 Applicability of NEPA to statewide transportation plans and programs.

Any decision by the Secretary concerning a long-range statewide transportation plan or STIP developed through the processes provided for in 23 U.S.C. 135, 49 U.S.C. 5304, and this subpart shall not be considered to be a Federal action subject to review under NEPA.

§ 450.224 Phase-in of new requirements.

(a) Long-range statewide transportation plans and STIPs adopted or approved prior to July 1, 2007 may be developed using the TEA-21 requirements or the provisions and requirements of this part.

(b) For STIPs that are developed under TEA-21 requirements prior to July 1, 2007, the FHWA/FTA action (*i.e.*, STIP approval) must be completed no later than June 30, 2007. For long-range statewide transportation plans that are completed under TEA-21 requirements prior to July 1, 2007, the State adoption action must be completed no later than June 30, 2007. If these actions are completed on or after July 1, 2007, the provisions and requirements of this part shall take effect, regardless of when the long-range statewide transportation plan or the STIP were developed.

(c) The applicable action (see paragraph (b) of this section) on any amendments or updates to STIPs or long-range statewide transportation plans on or after July 1, 2007, shall be based on the provisions and requirements of this part. However, administrative modifications may be made to the STIP on or after July 1, 2007 in the

CHAPTER 241 - MEETINGS OF STATE AND LOCAL AGENCIES

NRS 241.010	Legislative declaration and intent.
NRS 241.015	Definitions.
NRS 241.020	Meetings to be open and public; limitations on closure of meetings; notice of meetings; copy of materials; exceptions.
NRS 241.030	Exceptions to requirement for open and public meetings; waiver of closure of meeting by certain persons.
NRS 241.031	Meeting to consider character, misconduct or competence of elected member of public body or certain public officers.
NRS 241.033	Meeting to consider character, misconduct, competence or health of person or to consider appeal of results of examination: Written notice to person required; exception; public body required to allow person whose character, misconduct, competence or health is to be considered to attend with representative and to present evidence; attendance of additional persons; copy of record.
NRS 241.034	Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.
NRS 241.035	Public meetings: Minutes; aural and visual reproduction; transcripts.
NRS 241.0353	Absolute privilege of certain statements and testimony.
NRS 241.0355	Majority of all members of public body composed solely of elected officials required to take action by vote; abstention not affirmative vote; reduction of quorum.
NRS 241.036	Action taken in violation of chapter void.
NRS 241.037	Action by Attorney General or person denied right conferred by chapter; limitation on actions.
NRS 241.038	Board of Regents to establish requirements for student governments.
NRS 241.040	Penalties; members attending meeting in violation of chapter not accomplices; enforcement by Attorney General.

NRS 241.010 Legislative declaration and intent. In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

(Added to NRS by 1960, 25; A 1977, 1099)

NRS 241.015 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Action" means:
 - (a) A decision made by a majority of the members present during a meeting of a public body;
 - (b) A commitment or promise made by a majority of the members present during a meeting of a public body;
 - (c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or
 - (d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.
2. "Meeting":
 - (a) Except as otherwise provided in paragraph (b), means:
 - (1) The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.
 - (2) Any series of gatherings of members of a public body at which:
 - (I) Less than a quorum is present at any individual gathering;
 - (II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and
 - (III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.
 - (b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:
 - (1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.
 - (2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

3. Except as otherwise provided in this subsection, “public body” means any administrative, advisory, executive or legislative body of the State or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of [NRS 388.750](#) and a university foundation as defined in subsection 3 of [NRS 396.405](#). “Public body” does not include the Legislature of the State of Nevada.

4. “Quorum” means a simple majority of the constituent membership of a public body or another proportion established by law.

(Added to NRS by 1977, 1098; A 1993, 2308, 2624; 1995, 716, 1608; [2001, 1123, 1836](#))

NRS 241.020 Meetings to be open and public; limitations on closure of meetings; notice of meetings; copy of materials; exceptions.

1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

- (a) The time, place and location of the meeting.
- (b) A list of the locations where the notice has been posted.
- (c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon 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 may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

- (a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and
(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➤ As used in this subsection, “proprietary information” has the meaning ascribed to it in [NRS 332.025](#).

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➤ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, “emergency” means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

(Added to NRS by 1960, 25; A 1977, 1099, 1109; 1979, 97; 1989, 570; 1991, 785; 1993, 1356, 2636; 1995, 562, 1608; [2001, 2395](#); [2003, 488](#); [2005, 2243](#); [2007, 1122](#))

NRS 241.030 Exceptions to requirement for open and public meetings; waiver of closure of meeting by certain persons.

1. Except as otherwise provided in this section and [NRS 241.031](#) and [241.033](#), a public body may hold a closed meeting to:

(a) Consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

(b) Prepare, revise, administer or grade examinations that are conducted by or on behalf of the public body.

(c) Consider an appeal by a person of the results of an examination that was conducted by or on behalf of the public body, except that any action on the appeal must be taken in an open meeting and the identity of the appellant must remain confidential.

2. A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting may waive the closure of the meeting and request that the meeting or relevant portion thereof be open to the public. A request described in this subsection:

(a) May be made at any time before or during the meeting; and

(b) Must be honored by the public body unless the consideration of the character, alleged misconduct, professional competence, or physical or mental health of the requester involves the appearance before the public body of another person who does not desire that the meeting or relevant portion thereof be open to the public.

3. A public body may close a meeting pursuant to subsection 1 upon a motion which specifies:

(a) The nature of the business to be considered; and

(b) The statutory authority pursuant to which the public body is authorized to close the meeting.

4. This chapter does not:

(a) Apply to judicial proceedings.

(b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.

(c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness.

(d) Require that any meeting be closed to the public.

(e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body.

5. The exceptions provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

(Added to NRS by 1960, 25; A 1977, 1100; 1983, 331; 1993, 2637; [2005, 977, 2244](#))

NRS 241.031 Meeting to consider character, misconduct or competence of elected member of public body or certain public officers.

1. Except as otherwise provided in subsection 2, a public body shall not hold a closed meeting to consider the character, alleged misconduct or professional competence of:

(a) An elected member of a public body; or

(b) A person who is an appointed public officer or who serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position, including, without limitation, a president of a university, state college or community college within the Nevada System of Higher Education, a superintendent of a county school district, a county manager and a city manager.

2. The prohibition set forth in subsection 1 does not apply if the consideration of the character, alleged misconduct or professional competence of the person does not pertain to his role as an elected member of a public body or an appointed public officer or other officer described in paragraph (b) of subsection 1, as applicable.

(Added to NRS by 1993, 2636; A [2005, 2245](#))

NRS 241.033 Meeting to consider character, misconduct, competence or health of person or to consider appeal of results of examination: Written notice to person required; exception; public body required to allow person whose character, misconduct, competence or health is to be considered to attend with representative and to present evidence; attendance of additional persons; copy of record.

1. A public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice.

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be:

(1) Delivered personally to that person at least 5 working days before the meeting; or

(2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which his character, alleged misconduct, professional competence, or physical or mental health is considered;

(b) Have an attorney or other representative of his choosing present with him during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to his character, alleged misconduct, professional competence, or physical or mental health to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chairman of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to [NRS 241.035](#), upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section, casual or tangential references to a person or the name of a person during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

(Added to NRS by 1993, 2636; A [2005, 977, 2246, 2248](#))

NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.

1. Except as otherwise provided in subsection 3:

(a) A public body shall not consider at a meeting whether to:

(1) Take administrative action against a person; or

(2) Acquire real property owned by a person by the exercise of the power of eminent domain,

↳ unless the public body has given written notice to that person of the time and place of the meeting.

(b) The written notice required pursuant to paragraph (a) must be:

(1) Delivered personally to that person at least 5 working days before the meeting; or

(2) Sent by certified mail to the last known address of that person at least 21 working days before the

meeting.

↳ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in paragraph (a) relating to that person at a meeting.

2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to [NRS 241.020](#).

3. The written notice otherwise required pursuant to this section is not required if:

(a) The public body provided written notice to the person pursuant to [NRS 241.033](#) before holding a meeting to consider his character, alleged misconduct, professional competence, or physical or mental health; and

(b) The written notice provided pursuant to [NRS 241.033](#) included the informational statement described in paragraph (b) of subsection 2 of that section.

4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.

(Added to NRS by [2001, 1835](#); A [2001 Special Session, 155](#); [2005, 2247](#))

NRS 241.035 Public meetings: Minutes; aural and visual reproduction; transcripts.

1. Each public body shall keep written minutes of each of its meetings, including:

(a) The date, time and place of the meeting.

(b) Those members of the public body who were present and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

2. Minutes of public meetings are public records. Minutes or audiotape recordings of the meetings must be made available for inspection by the public within 30 working days after the adjournment of the meeting at which taken. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5

years. Thereafter, the minutes may be transferred for archival preservation in accordance with [NRS 239.080](#) to [239.125](#), inclusive. Minutes of meetings closed pursuant to:

(a) Paragraph (a) of subsection 1 of [NRS 241.030](#) become public records when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of [NRS 241.030](#) become public records when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of [NRS 241.030](#) become public records when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. Except as otherwise provided in subsection 6, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to [chapter 656](#) of NRS. If a public body makes an audio recording of a meeting or causes a meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least 1 year after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

5. Except as otherwise provided in subsection 6, any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection pursuant to the provisions of subsection 2 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

6. If a public body makes a good faith effort to comply with the provisions of subsections 4 and 5 but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

(Added to NRS by 1977, 1099; A 1989, 571; 1993, 449, 2638; [2005, 978, 1404](#))

NRS 241.0353 Absolute privilege of certain statements and testimony.

1. Any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

2. A witness who is testifying before a public body is absolutely privileged to publish defamatory matter as part of a public meeting, except that it is unlawful to misrepresent any fact knowingly when testifying before a public body.

(Added to NRS by [2005, 2242](#))

NRS 241.0355 Majority of all members of public body composed solely of elected officials required to take action by vote; abstention not affirmative vote; reduction of quorum.

1. A public body that is required to be composed of elected officials only may not take action by vote unless at least a majority of all the members of the public body vote in favor of the action. For purposes of this subsection, a public body may not count an abstention as a vote in favor of an action.

2. In a county whose population is 40,000 or more, the provisions of subsection 5 of [NRS 281A.420](#) do not apply to a public body that is required to be composed of elected officials only, unless before abstaining from the vote, the member of the public body receives and discloses the opinion of the legal counsel authorized by law to provide legal advice to the public body that the abstention is required pursuant to [NRS 281A.420](#). The opinion of counsel must be in writing and set forth with specificity the factual circumstances and analysis leading to that conclusion.

(Added to NRS by [2001, 1123](#); A [2003, 818](#))

NRS 241.036 Action taken in violation of chapter void. The action of any public body taken in violation of any provision of this chapter is void.

(Added to NRS by 1983, 1012)

NRS 241.037 Action by Attorney General or person denied right conferred by chapter; limitation on actions.

1. The Attorney General may sue in any court of competent jurisdiction to have an action taken by a public body declared void or for an injunction against any public body or person to require compliance with or prevent violations of the provisions of this chapter. The injunction:

(a) May be issued without proof of actual damage or other irreparable harm sustained by any person.

(b) Does not relieve any person from criminal prosecution for the same violation.

2. Any person denied a right conferred by this chapter may sue in the district court of the district in which the public body ordinarily holds its meetings or in which the plaintiff resides. A suit may seek to have an action taken by the public body declared void, to require compliance with or prevent violations of this chapter or to determine the applicability of this chapter to discussions or decisions of the public body. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this subsection.

3. Any suit brought against a public body pursuant to subsection 1 or 2 to require compliance with the provisions of this chapter must be commenced within 120 days after the action objected to was taken by that public body in violation of this chapter. Any such suit brought to have an action declared void must be commenced within 60 days after the action objected to was taken.

(Added to NRS by 1983, 1012; A 1985, 147)

NRS 241.038 Board of Regents to establish requirements for student governments. The Board of Regents of the University of Nevada shall establish for the student governments within the Nevada System of Higher Education requirements equivalent to those of this chapter and shall provide for their enforcement.

(Added to NRS by 1983, 1013; A 1993, 369)

NRS 241.040 Penalties; members attending meeting in violation of chapter not accomplices; enforcement by Attorney General.

1. Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

2. Wrongful exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which action is taken in violation of this chapter is not the accomplice of any other member so attending.

4. The Attorney General shall investigate and prosecute any violation of this chapter.

(Added to NRS by 1960, 26; A 1977, 1100; 1983, 1013)

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TITLE 23--HIGHWAYS

CHAPTER 1--FEDERAL-AID HIGHWAYS

Sec. 135. Statewide transportation planning

(a) General Requirements.--

(1) Development of plans and programs.--To accomplish the objectives stated in section 134(a), each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State, subject to section 134.

(2) Contents.--The statewide transportation plan and the transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

(3) Process of development.--The process for developing the statewide plan and the transportation improvement program shall provide for consideration of all modes of transportation and the policies stated in section 134(a), and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(b) Coordination With Metropolitan Planning; State Implementation Plan.-- A State shall--

(1) coordinate planning carried out under this section with the transportation planning activities carried out under section 134 for metropolitan areas of the State and with statewide trade and economic development planning activities and related multistate planning efforts; and

(2) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) Interstate Agreements.--

(1) In general.--The consent of Congress is granted to two or more States entering into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

(2) Reservation of rights.--The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

(d) Scope of Planning Process.--

(1) In general.--Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will--

(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

(D) increase the accessibility and mobility of people and freight;

(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

(F) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

(G) promote efficient system management and operation; and

(H) emphasize the preservation of the existing transportation system.

(2) Failure to consider factors.--The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title or chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, the transportation improvement program, a project or strategy, or the certification of a planning process.

(e) Additional Requirements.--In carrying out planning under this section, each State shall consider, at a minimum--

(1) with respect to nonmetropolitan areas, the concerns of affected local officials with responsibility for transportation;

(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

(3) coordination of transportation plans, the transportation improvement program, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

(f) Long-Range Statewide Transportation Plan.--

(1) Development.--Each State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

(2) Consultation with governments.--

(A) Metropolitan areas.--The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134.

(B) Nonmetropolitan areas.--With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in consultation with affected nonmetropolitan officials with responsibility for transportation. The Secretary shall not review or approve the consultation process in each State.

(C) Indian tribal areas.--With respect to each area of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

(D) Consultation, comparison, and consideration.--

(i) In general.--The long-range transportation plan shall be developed, as appropriate, in consultation with State, tribal, and local

agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.

(ii) Comparison and consideration.--Consultation under clause (i) shall involve comparison of transportation plans to State and tribal conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.

(3) Participation by interested parties.--

(A) In general.--In developing the statewide transportation plan, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan.

(B) Methods.--In carrying out subparagraph (A), the State shall, to the maximum extent practicable--

(i) hold any public meetings at convenient and accessible locations and times;

(ii) employ visualization techniques to describe plans; and

(iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

(4) Mitigation activities.--

(A) In general.--A long-range transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

(B) Consultation.--The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

(5) Financial plan.--The statewide transportation plan may include a financial plan that demonstrates how the adopted statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted statewide transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(6) Selection of projects from illustrative list.--A State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (5).

(7) Existing system.--The statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system.

(8) Publication of long-range transportation plans.--Each long-range transportation plan prepared by a State shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

(g) Statewide Transportation Improvement Program.--

(1) Development.--Each State shall develop a statewide transportation improvement program for all areas of the State. Such program shall cover a period of 4 years and be updated every 4 years or more frequently if the Governor elects to update more frequently.

(2) Consultation with governments.--

(A) Metropolitan areas.--With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134.

(B) Nonmetropolitan areas.--With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected nonmetropolitan local officials with responsibility for transportation. The Secretary shall not review or approve the specific consultation process in the State.

(C) Indian tribal areas.--With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

(3) Participation by interested parties.--In developing the program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program.

(4) Included projects.--

(A) In general.--A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

(B) Listing of projects.--An annual listing of projects for which funds have been obligated in the preceding year in each metropolitan planning area shall be published or otherwise made available by the cooperative effort of the State, transit operator, and the metropolitan planning organization for public review. The listing shall be consistent with the funding categories identified in each metropolitan transportation improvement program.

(C) Projects under chapter 2.--

(i) Regionally significant projects.--Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

(ii) Other projects.--Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in one line item or identified individually in the transportation improvement program.

(D) Consistency with statewide transportation plan.--Each project shall be--

(i) consistent with the statewide transportation plan developed under this section for the State;

(ii) identical to the project or phase of the project as described in an approved metropolitan transportation plan; and

(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act, if the project is

carried out in an area designated as nonattainment for ozone, particulate matter, or carbon monoxide under such Act.

(E) Requirement of anticipated full funding.--The transportation improvement program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

(F) Financial plan.--The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the transportation improvement program, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(G) Selection of projects from illustrative list.--

(i) No required selection.--Notwithstanding subparagraph

(F), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F).

(ii) Required action by the secretary.--Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F) for inclusion in an approved transportation improvement program.

(H) Priorities.--The transportation improvement program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this title and chapter 53 of title 49.

(5) Project selection for areas of less than 50,000 population.--Projects carried out in areas with populations of less than 50,000 individuals shall be selected, from the approved transportation improvement program (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program under this title or under sections 5310, 5311, 5316, and 5317 of title 49), by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation. Projects carried out in areas with populations of less than 50,000 individuals on the National Highway System or under the bridge program or the Interstate maintenance program under this title or under sections 5310, 5311, 5316, and 5317 of title 49 shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected nonmetropolitan local officials with responsibility for transportation.

(6) Transportation improvement program approval.--Every 4 years, a transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding.

(7) Planning finding.--A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which statewide transportation plans and programs are developed is consistent with this section and section 134.

(8) Modifications to project priority.--Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a

project included in the approved transportation improvement program in place of another project in the program.

(h) Funding.--Funds set aside pursuant to section 104(f) of this title and section 5305(g) of title 49, shall be available to carry out this section.

(i) Treatment of Certain State Laws as Congestion Management Processes.--For purposes of this section and section 134, and sections 5303 and 5304 of title 49, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under this section and section 134, and sections 5303 and 5304 of title 49, if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of this section and section 134 and sections 5303 and 5304 of title 49, as appropriate.

(j) Continuation of Current Review Practice.--Since the statewide transportation plan and the transportation improvement program described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the transportation improvement program are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the transportation improvement program described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the transportation improvement program described in this section shall not be considered to be a Federal action subject to review under such Act.

(Added Pub. L. 90-495, Sec. 10(a), Aug. 23, 1968, 82 Stat. 820; amended Pub. L. 91-605, title I, Secs. 106(g), 125, Dec. 31, 1970, 84 Stat. 1718, 1729; Pub. L. 93-87, title I, Sec. 119, Aug. 13, 1973, 87 Stat. 259; Pub. L. 94-280, title I, Sec. 123(a), May 5, 1976, 90 Stat. 439; Pub. L. 102-240, title I, Sec. 1025(a), Dec. 18, 1991, 105 Stat. 1962; Pub. L. 103-429, Sec. 3(6), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 105-178, title I, Sec. 1204(a)-(h), June 9, 1998, 112 Stat. 180-184; Pub. L. 109-59, title VI, Sec. 6001(a), Aug. 10, 2005, 119 Stat. 1851.)

References in Text

The Clean Air Act, referred to in subsecs. (b)(2) and (g)(4)(D)(iii), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (Sec. 7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (j), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (Sec. 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Prior Provisions

A prior section 135, Pub. L. 89-139, Sec. 4(a), Aug. 28, 1965, 79 Stat. 578, called for a highway safety program in each State approved by the Secretary, prior to repeal by Pub. L. 89-564, title I, Sec. 102(a), Sept. 9, 1966, 80 Stat. 734. See section 402 of this title.

Amendments

2005--Pub. L. 109-59 amended section catchline and text generally, substituting provisions relating to statewide transportation planning for provisions relating to, in subsec. (a), development of plans and programs by each State, in subsec. (b), coordination of State with Federal planning, in subsec. (c), scope of planning process, in subsec. (d), additional minimum requirements for each State to consider, in subsec. (e), development of a long-range transportation plan, in subsec. (f), development of a State transportation improvement program, in subsec. (g), funding, in subsec. (h), treatment of certain State laws as congestion management systems, and, in subsec. (i), review of plans and programs under the National Environmental Policy Act of 1969.

1998--Subsec. (a). Pub. L. 105-178, Sec. 1204(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: ``It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the State efficiently and effectively. Subject to section 134 of this title, the State shall develop transportation plans and programs for all areas of the State. Such plans and programs shall provide for development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal State transportation system. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.''

Subsec. (b). Pub. L. 105-178, Sec. 1204(b), inserted ``and sections 5303 through 5305 of title 49'' after ``section 134 of this title''.

Subsec. (c). Pub. L. 105-178, Sec. 1204(c), amended heading and text of subsec. (c) generally, substituting provisions relating to scope of planning process for provisions relating to considerations to be involved in State's continuous transportation planning process.

Subsec. (d). Pub. L. 105-178, Sec. 1204(d), reenacted heading without change and amended text of subsec. (d) generally. Prior to amendment, text read as follows: ``Each State in carrying out planning under this section shall, at a minimum, consider the following:

``(1) The coordination of transportation plans and programs developed for metropolitan areas of the State under section 134 with the State transportation plans and programs developed under this section and the reconciliation of such plans and programs as necessary to ensure connectivity within transportation systems.

``(2) Investment strategies to improve adjoining State and local roads that support rural economic growth and tourism development, Federal agency renewable resources management, and multipurpose land management practices, including recreation development.

``(3) The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the State.''

Subsec. (e). Pub. L. 105-178, Sec. 1204(e), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: ``The State shall develop a long-range transportation plan for all areas of the State. With respect to metropolitan areas of the State, the plan shall be developed in cooperation with metropolitan planning organizations designated for metropolitan areas in the State under section 134. With respect to areas of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in cooperation with such government and the Secretary of

the Interior. In developing the plan, the State shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan. In addition, the State shall develop a long-range plan for bicycle transportation and pedestrian walkways for appropriate areas of the State which shall be incorporated into the long-range transportation plan."

Subsec. (f). Pub. L. 105-178, Sec. 1204(f), amended heading and text of subsec. (f) generally. Prior to amendment, text related to transportation improvement programs, including program development, requirement for inclusion of certain projects for State transportation improvement program, project selection for areas less than 50,000 population, and requirement of biennial review and approval.

Subsec. (g). Pub. L. 105-178, Sec. 1204(g), which directed substitution of ``section 505(a)'' for ``section 307(c)(1)'' in section 134(g), was executed by making the substitution in subsec. (g) of this section to reflect the probable intent of Congress.

Subsec. (i). Pub. L. 105-178, Sec. 1204(h), added subsec. (i).

1994--Subsec. (f)(2). Pub. L. 103-429, Sec. 3(6)(A), substituted ``chapter 53 of title 49'' for ``the Federal Transit Act''.

Subsec. (h). Pub. L. 103-429, Sec. 3(6)(B), substituted ``sections 5303-5306 and 5323(k) of title 49'' for ``section 8 of the Federal Transit Act, United States Code'' and ``section 8 of such Act''.

1991--Pub. L. 102-240 substituted section catchline for one which read: ``Traffic operations improvement programs'', and amended text generally. Prior to amendment, text read as follows:

``(a) The Congress hereby finds and declares it to be in the national interest that each State shall have a continuing program designed to reduce traffic congestion and facilitate the flow of traffic.

``(b) The Secretary may approve under this section any project for improvements on any public road which project will directly facilitate and control traffic flow on any of the Federal-aid systems.''

1976--Pub. L. 94-280 struck out introductory words ``Urban area'' in section catchline.

Subsec. (a). Pub. L. 94-280 struck out ``within the designated boundaries of urban areas of the State'' and ``in the urban areas'' after ``continuing program'' and ``flow of traffic'', respectively.

Subsec. (b). Pub. L. 94-280 substituted ``any project for improvements on any public road which project will directly facilitate and control traffic flow on any of the Federal-aid systems'' for ``any project on an extension of the Federal-aid primary or secondary system in urban areas and on the Federal-aid urban system for improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and loading and unloading ramps. If such project is located in an urban area of more than fifty thousand population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title''.

Subsec. (c). Pub. L. 94-280 struck out subsec. (c) which provided for an annual report by the Secretary on projects approved under this section with recommendations for further improvement of traffic operations in accordance with this section.

1973--Subsecs. (c), (d). Pub. L. 93-87 struck out subsec. (c) which provided for apportionment of sums authorized to carry out this section in accordance with section 104(b)(3) of this title, and redesignated subsec. (d) as (c).

1970--Subsec. (b). Pub. L. 91-605 inserted reference to the Federal-aid urban system and required that projects under this section be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title only in urban areas of more than fifty thousand population.

Effective Date of 1991 Amendment

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

Effective Date

Section effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as an Effective Date of 1968 Amendment note under section 101 of this title.

Participation of Local Elected Officials

Pub. L. 105-178, title I, Sec. 1204(i), June 9, 1998, 112 Stat. 184, provided that:

``(1) Study.--The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming. In conducting the study, the Secretary shall consider the degree of cooperation between each State, local officials in rural areas in the State, and regional planning and development organizations in the State.

``(2) Report.--Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report containing the results of the study with any recommendations the Secretary determines appropriate as a result of the study.''

Advanced Travel Forecasting Procedures Program

Pub. L. 109-59, title V, Sec. 5512, Aug. 10, 2005, 119 Stat. 1828, provided that:

``(a) Continuation and Acceleration of TRANSIMS Deployment.--

``(1) In general.--The Secretary [of Transportation] shall accelerate the deployment of the advanced transportation model known as the 'Transportation Analysis Simulation System' (in this section referred to as 'TRANSIMS'), developed by the Los Alamos National Laboratory.

``(2) Program appreciation.--The purpose of the program is to assist State departments of transportation and metropolitan planning organizations--

``(A) to implement TRANSIMS;

``(B) to develop methods for TRANSIMS applications to transportation planning, air quality analysis, regulatory compliance, and response to natural disasters and other transportation disruptions; and

``(C) to provide training and technical assistance for the implementation of TRANSIMS.

``(b) Required Activities.--The Secretary [of Transportation] shall use funds made available to carry out this section to--

``(1) provide funding to State departments of transportation and metropolitan planning organizations serving transportation management areas designated under chapter 52 [53] of title 49, United States Code,

representing a diversity of populations, geographic regions, and analytic needs to implement TRANSIMS;

``(2) develop methods to demonstrate a wide spectrum of TRANSIMS applications to support local, metropolitan, statewide transportation planning, including integrating highway and transit operational considerations into the transportation Planning process, and estimating the effects of induced travel demand and transit ridership in making transportation conformity determinations where applicable;

``(3) provide training and technical assistance with respect to the implementation and application of TRANSIMS to States, local governments, and metropolitan planning organizations with responsibility for travel modeling;

``(4) to further develop TRANSIMS for additional applications, including--

- ``(A) congestion analyses;
- ``(B) major investment studies;
- ``(C) economic impact analyses;
- ``(D) alternative analyses;
- ``(E) freight movement studies;
- ``(F) emergency evacuation studies;
- ``(G) port studies;
- ``(H) airport access studies;
- ``(I) induced demand studies; and
- ``(J) transit ridership analysis.

``(c) Eligible Activities.--The program may support the development of methods to plan for the transportation response to chemical and biological terrorism and other security concerns.

``(d) Allocation of Funds.--Not more than 75 percent of the funds made available to carry out this section may be allocated to activities described in subsection (b) (1).

``(e) Funding.--Of the amounts made available by section 5101(a)(1) of this Act [119 Stat. 1779], \$2,625,000 for each of fiscal years 2006 through 2009 shall be available to carry out this section.'" Pub. L. 105-178, title I, Sec. 1210, June 9, 1998, 112 Stat. 187, provided that:

``(a) Establishment.--The Secretary shall establish an advanced travel forecasting procedures program--

``(1) to provide for completion of the advanced transportation model developed under the Transportation Analysis Simulation System (referred to in this section as 'TRANSIMS'); and

``(2) to provide support for early deployment of the advanced transportation modeling computer software and graphics package developed under TRANSIMS and the program established under this section to States, local governments, and metropolitan planning organizations with responsibility for travel modeling.

``(b) Eligible Activities.--The Secretary shall use funds made available under this section to--

``(1) provide funding for completion of core development of the advanced transportation model;

``(2) develop user-friendly advanced transportation modeling computer software and graphics packages;

``(3) provide training and technical assistance with respect to the implementation and application of the advanced transportation model to States, local governments, and metropolitan planning organizations with responsibility for travel modeling; and

``(4) allocate funds to not more than 12 entities described in paragraph (3), representing a diversity of populations and geographic regions, for a pilot program to enable transportation management areas designated under section 134(i) of title 23, United States Code, to convert

from the use of travel forecasting procedures in use by the areas as of the date of enactment of this Act [June 9, 1998] to the use of the advanced transportation model.

``(c) Funding.--

``(1) In general.--There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$4,000,000 for fiscal year 1998, \$3,000,000 for fiscal year 1999, \$6,500,000 for fiscal year 2000, \$5,000,000 for fiscal year 2001, \$4,000,000 for fiscal year 2002, and \$2,500,000 for fiscal year 2003.

``(2) Allocation of funds.--

``(A) Fiscal years 1998 and 1999.--For each of fiscal years 1998 and 1999, 100 percent of the funds made available under paragraph (1) shall be allocated to activities as described in paragraphs (1), (2), and (3) of subsection (b).

``(B) Fiscal years 2000 through 2003.--For each of fiscal years 2000 through 2003, not more than 50 percent of the funds made available under paragraph (1) may be allocated to activities described in subsection (b)(4).

``(3) Contract authority.--Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of--

``(A) any activity described in paragraph (1), (2), or (3) of subsection (b) shall not exceed 100 percent; and

``(B) any activity described in subsection (b)(4) shall not exceed 80 percent.''

Demonstration Project for Automated Roadway Management System

Pub. L. 95-599, title I, Sec. 154, Nov. 6, 1978, 92 Stat. 2716, provided that:

``(a) The Secretary of Transportation is authorized to carry out a demonstration project of the use of a sophisticated automated roadway management system to increase the capacity and safety of automobile travel in high density travel corridors without providing additional lanes of pavement. The management system shall coordinate the traffic flow in major freeways and arterials servicing the travel corridor by use of an integrated system of vehicle sensors to monitor traffic, computers to assess traffic conditions throughout the corridor, and devices to communicate with drivers, police, and emergency equipment.

``(b) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, not to exceed \$1,500,000 for the fiscal year ending September 30, 1979, not to exceed \$2,500,000 for the fiscal year ending September 30, 1980, and not to exceed \$26,000,000 for the fiscal year ending September 30, 1981.

``(c) The Federal share payable on account of any project authorized under this section shall not exceed 90 per centum of the total cost thereof.

``(d) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall not exceed 90 per centum.''

Traffic Control Signalization Demonstration Projects; Reports to Secretary of Transportation; Report to Congress

Section 146 of Pub. L. 94-280 provided that:

((a) The Secretary of Transportation is authorized to carry out traffic control signalization demonstration projects designed to demonstrate through the use of technology not now in general use the increased capacity of existing highways, the conservation of fuel, the decrease in traffic congestion, the improvement in air and noise quality, and the furtherance of highway safety, giving priority to those projects providing coordinated signalization of two or more intersections. Such projects can be carried out on any highway whether on or off a Federal-aid system.

((b) There is authorized to be appropriated to carry out this section of the Highway Trust Fund, not to exceed \$40,000,000 for the fiscal year ending September 30, 1977, and \$40,000,000 for the fiscal year ending September 30, 1978.

((c) Each participating State shall report to the Secretary of Transportation not later than September 30, 1977, and not later than September 30 of each year thereafter, on the progress being made in implementing this section and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the benefits resulting from such projects comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such traffic control signalization. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1978, on the progress being made in implementing this section and an evaluation of the benefits resulting therefrom.'

Authorization of Appropriations

Pub. L. 89-285, title III, Sec. 304, Oct. 22, 1965, 79 Stat. 1033, as amended by Pub. L. 97-449, Sec. 2(a), Jan. 12, 1983, 96 Stat. 2439, provided that: ((There is authorized to be appropriated the sum of \$500,000 to enable the Secretary to carry out his functions under section 135 of title 23 of the United States Code relating to highway safety programs.'

NRS 408.245 Acceptance of federal acts.

1. The State of Nevada and its Department hereby accepts and assents to the provisions of:
 - (a) The Federal Aid Road Act, being an Act of Congress entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (c. 241, 39 Stat. 355); and
 - (b) The Federal Highway Act, being an Act of Congress entitled "An Act To amend the Act entitled 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," approved November 9, 1921 (c. 119, 42 Stat. 212).
2. The State and its Department accepts as a continuing obligation any and all acts amendatory or supplementary to such federal acts.
(Added to NRS by 1957, 671)

APPENDIX C – STATEWIDE LONG-RANGE TRANSPORTATION PLAN OUTREACH

Public Participation Process

Getting early input from the citizens of Nevada who use our transportation system was a key component in the update of this Plan. And that input has helped shape the long-term policies and strategies within this Plan. In 2004, NDOT began an extensive public involvement process. Our objective was to identify, quantify, and evaluate the issues of importance to our transportation system users. Public involvement fosters an open decision-making process and elicits active participation from affected individuals, groups, and communities.

Federal Regulations

With the passage of the new federal highway bill, Safe Accountable Flexible Efficient Transportation Equity Act (SAFETEA-LU), the following requirements were enacted for the Statewide Long-Range Plan. Key audiences that states must provide a reasonable opportunity to comment on the proposed Plan include: 1) citizens, 2) affected public agencies, 3) representatives of public transportation employees, 4) freight shippers and providers of freight transportation services, 5) private providers of transportation, 6) representative of users of public transportation, 7) representatives of users of pedestrian walkways and bicycle transportation facilities, 8) representatives of the disabled, 9) other interested parties.

Under the guidance of CFR 450.210 (Interested parties, public involvement, and consultation) when providing consultation to non-metropolitan transportation officials and in providing opportunities for comment, the State's public involvement process at a minimum shall:

- (i) Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes;
- (ii) Provide reasonable public access to technical and policy information;

(iii) Provide adequate public notice of public involvement activities and time for public review and comment at key decision points;

(iv) To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times;

(v) To the maximum extent practicable, use visualization techniques to describe the proposed Plan;

(vi) To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford a reasonable opportunity for consideration of public information;

(vii) Demonstrate explicit consideration and response to public input during the development of the Plan;

(viii) Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(ix) Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

Public Outreach Strategies

The first step in NDOT's public outreach process was to meet with the Statewide Technical Transportation Committee (STTAC). The STTAC was formed by the Nevada Department of Transportation (NDOT) in 1991 with the passage of ISTEA, specifically to fulfill one element of that law and provide a forum for discussing statewide planning and programming issues. This includes reviewing and providing input on the Statewide Long-Range Transportation Plan. The STTAC meets on a bi-monthly basis. Their meetings are open to the public and posted in conformance with Nevada's Open Meeting Law.

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APPENDIX C – STATEWIDE LONG-RANGE TRANSPORTATION PLAN OUTREACH

The STTAC was advised that staff was beginning a major update of the Statewide Long-Range Transportation Plan and their input was requested. Staff continued meeting with the STTAC on an ongoing basis throughout the development of this Plan giving them updates and an opportunity to provide input and guidance.

During 2004, staff held a series of 8 public meetings across the state of Nevada to give the public an early opportunity to provide input on the issues that affect them. The purpose of these meetings was to inform the public that NDOT was beginning an update of the 2002 Plan and to solicit input. The meetings were advertised in the local newspapers for each area across the state and posted in conformance with Nevada’s Open Meeting Law. Each meeting had a stenographer available if any members of the public wanted to utilize their services. Special exhibits were displayed during the meetings to convey various aspects of the Plan and staff members were present to answer questions. Handouts describing the Plan, a brochure and comment form were also provided.

Public meetings were held at the following locations:

<u>Date</u>	<u>Location</u>
August 18	Carson City
August 24	Reno
September 28	Elko
September 29	Ely
October 12	Henderson
October 13	Las Vegas
November 3	Tonopah
November 9	Winnemucca

Staff was disappointed in the number of people who participated in these public meetings so we took a look at our process and decided that we needed to try new and creative methods to solicit more input from the public. Staff decided that instead of asking the public to come to us, we would go to them as much as we could. Staff began participating on corridor studies, attending county economic

development workshops and looking for ways to piggyback our Plan at other public meetings. Staff also started attending the annual county / tribal tours and workshops throughout Nevada where the Statewide Transportation Improvement Program is presented. At first staff attended these meetings to listen and gain insight on the issues that the local communities were facing. But every year staff has incorporated more and more information about the Statewide Long-Range Transportation Plan into these meetings.

In 2006, staff implemented a survey that could be completed online through the NDOT website or by a paper hard copy. Staff also initiated an extensive advertising campaign for that survey that included the development of a logo and a brochure. The brochure was inserted into 30,000 driver’s license renewal envelopes. Advertisements for the survey were also placed in a special edition of the Hot August Nights (classic car show in Reno, NV) newspaper and the Nevada Magazine. The brochures were displayed at our NDOT District Offices in Las Vegas, Elko and Reno. In addition, the brochure and logo flyers have been and continue to be handed out at meetings attended by staff, such as the Reno Championship Air Races, the National Association of Management Airports (NAMA) conference, and the Rural Planning Conference. This effort has been very successful in soliciting comments and providing input to this Plan with over 500 surveys received.

In June 2006, NDOT held a two-day workshop with representatives from the STTAC, MPO’s, cities, counties, and various state agencies to introduce them to the new requirements of SAFETEA-LU in development of the Statewide Transportation Improvement Program, Transportation Improvement Program, Regional Transportation Program, and the Statewide Long-Range Transportation Plan. During that meeting staff also solicited input from these agencies for the Plan and advised them that we would be meeting with them at a later date to solicit more input. In addition, throughout 2007 staff met individually with over 20 state and federal agencies to

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APPENDIX C – STATEWIDE LONG-RANGE TRANSPORTATION PLAN OUTREACH

gather input from a diverse representation of various transportation interests and comply with the law. Each assisted with identifying key issues and concerns they are facing and that NDOT will need to address in the next 20 years.

Individuals from the following agencies and organizations were invited to meet with NDOT staff to discuss their concerns and interests in transportation related issues:

Bureau of Indian Affairs
Bureau of Land Management
Bureau of Mines
Commission on Economic Development
Commission on Tourism
Department of Energy
Department of Business and Industry
Department of Homeland Security
Department of Wildlife
Division of Minerals
Division of Water Resources
Federal Motor Carrier Association
Gaming Control Board
Intertribal Council
Muscle Power
Natural Resources and Conservation
Nevada Association of Counties
Nevada Department of Environmental Protection
Nevada Fish & Wildlife
Nevada League of Cities
Nevada Motor Transport Association
Nevada Natural Heritage
Office of Traffic Safety
State Demographer
State Historic Preservation Office
State Lands
State Parks
Tribal Technical Assistance Program
US Forest Service

There are four designated Metropolitan Planning Organizations (MPO's) in Nevada: Carson City, Clark County, Lake Tahoe, and Washoe County. These MPO's have the primary stewardship for

transportation planning within their boundaries, including member cities and surrounding unincorporated areas. However, it is critical that NDOT coordinate and cooperate with the MPO's as we plan for the future of our transportation system. In 2007, staff began attending MPO monthly liaison meetings and worked closely with them during the development of their Regional Transportation Improvement Plans and Regional Transportation Plans.

NDOT acquires additional information about area needs, issues and expectations by consulting with the public in many different ways. Staff participates in corridor studies and National Environmental Policy Act documents, attends meetings with committees representing specific interests, such as freight and non-motorized travel, and attends various transportation fairs. Each of these public involvement efforts provides information that NDOT uses to gain insight into the needs and priorities of the rural and small urban areas of our state.

Through the National Environmental Policy Act, NDOT's Environmental Division is responsible for undertaking, complying and documenting activities related to NEPA. Per 23 CFR 771, specific public involvement activities relating to highway projects that use federal money are described. These federal regulations provide for early and continuous public involvement.

A final draft of this Plan was completed in June 2008 and staff began the concluding public outreach efforts. Again, the first step was to distribute a copy of the draft plan to the advisory committee -- the STTAC at their bimonthly meeting.

A copy of the draft Plan was placed on the NDOT website in July, and public input and comments were solicited. The Plan was also featured on the NDOT home page for two weeks during August. Advertisements seeking input on the plan were placed in 19 different newspapers around the state two times

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during the month of August. The public was directed to go to the NDOT website to view the Plan and were also able to write or place a telephone call for a copy and provide comments.

During July and August, staff attended the Board meetings at the four MPO's (Carson City, Clark County, Lake Tahoe, and Washoe County) in our urban areas, to discuss the Plan and solicit input. Prior to meetings with these Boards, staff met with their advisory committees -- the Washoe County Technical Advisory Committee, the Clark County Executive Advisory Committee and the Tahoe Transportation Commission. All of these meetings were publicly noticed in conformance with Nevada's Open Meeting Law and were televised on the local public network stations or recorded. Outreach to minority publications is also an element of their public advertisement procedure.

In August 2008, NDOT staff held two additional public meetings in Elko and Ely to introduce the Plan and solicit public comments in the rural areas of the state. These meetings were advertised in the local newspapers in accordance with Nevada's open meeting laws. Senior Centers, bicycle advocacy groups, Assemblymen, libraries, transit recipients and NDOT District Offices were also sent meeting notices. Press releases announcing the meetings, availability of the draft Plan, and soliciting comments were also sent to two editors at the Elko daily newspaper, four journalists at the Elko NBC TV station (including community calendar), as well as three different radio stations. The Ely release was sent to the two Ely radio stations, and the editor and reporter at the Ely

newspaper. The meetings were also posted on the NDOT website.

Special exhibits were displayed during the public meetings to convey various aspects of the Plan and staff members were present to answer questions. Handouts describing the Plan, a brochure and comment form were also provided.

The deadline for comments on the Plan was set for September 15, 2008. After that, the Plan was finalized and completed by September 30, 2008. The Plan went before the STTAC for endorsement in August and before the State Transportation Board on September 16, 2008. It was adopted by the Director of the Department of Transportation on September 30, 2008. It was then mailed to the Federal Highway Administration and the Federal Transit Administration for informational purposes only as required under CFR 450.214.

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FIGURE A

STATEWIDE LONG-RANGE PLAN – PUBLIC PARTICIPATION

