

## SB426 Amended legal implications

The proposed bill raises significant legal concerns regarding amendments to the 1969 Tahoe Basin Bistate Compact and the transfer of two distinct roadways—State Route 28 and U.S. Highway 50 (Lincoln Highway)—which traverse three counties and carry different legal statuses.

### 1. Legal Constraints of the Bistate Compact

The Tahoe Basin operates under the 1969 Bistate Compact, which requires mutual agreement from California, Nevada, and the U.S. Congress for any amendments. While the Nevada Legislature may propose changes, it lacks unilateral authority to alter the Compact. Similarly, the Nevada Legislative Oversight Committee has no jurisdiction to modify this agreement. Any proposed changes must secure concurrence from all three entities, a process not addressed in the bill.

### 2. Jurisdictional Issues with U.S. Highway 50

U.S. Highway 50, a federal highway maintained by the Nevada Department of Transportation (NDOT) under contract with the Federal Highway Administration (FHWA), runs through Douglas County. Unlike state highways, which the NDOT Board of Trustees may relinquish under Nevada Revised Statutes (NRS) 408.527, federal highways like U.S. 50 require FHWA coordination and compliance with federal regulations for any transfer to local jurisdiction. The bill fails to demonstrate such coordination or justify transferring U.S. 50 to local control. Furthermore, NDOT's statutory obligation for public outreach on all projects (NRS 408.527) appears unmet, particularly in relation to the U.S. 50 East Shore Corridor Management Plan.

### 3. Misleading Precedent: Comparison to State Route 159

The Tahoe Transportation Department, a subsidiary of the Tahoe Regional Planning Agency, claims that Senate Bill 426 mirrors an agreement for State Route 159 at Red Rock Canyon Park. This comparison is misleading. Unlike SR 159, a state-owned road, U.S. 50 is federally owned. Additionally, the Scenic Loop Road at the RRpark, cited as a precedent, is managed by the Bureau of Land Management and does not serve as an emergency evacuation route for 25,000 residents, as U.S. 50 does. This distinction underscores the unique legal and safety considerations for U.S. 50 that this bill overlooks.

### 4. Implications for Route 28

Route 28, with its distinct function and legal status, is not addressed in sufficient detail in the bill. Any proposed changes to its oversight or management must align with the Bistate Compact and relevant state and federal regulations, which the bill does not adequately clarify.

### Conclusion

The bill's proposed changes to the Bistate Compact and the transfer of U.S. Highway 50 to local control lack legal grounding, fail to meet federal and state coordination requirements, and rely on misleading precedents. Without addressing these issues, the bill risks violating the Compact, undermining federal oversight, and compromising public safety, particularly for emergency evacuations along U.S. 50, like the Caldor fire.

Please place my comment into the record for SB426 Amended

Sincerely

Elisabeth Lernhardt, Zephyr Cove NV