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STATE OF TENNESSEE  
**EXECUTIVE ORDER**  
BY THE GOVERNOR

No. 53

**AN ORDER TRANSFERRING RESPONSIBILITIES ASSOCIATED WITH THE  
STATE HIGHWAY SAFETY PROGRAM FROM THE DEPARTMENT OF  
TRANSPORTATION TO THE DEPARTMENT OF SAFETY  
AND HOMELAND SECURITY**

**WHEREAS**, the Department of Transportation was created and established in Tennessee Code Annotated, Section 4-3-2301, and the Department of Safety and Homeland Security was created and established in Tennessee Code Annotated, Section 4-3-2001; and

**WHEREAS**, the Highway Safety Act of 1966 (Pub. L. 89-564), as amended, required each state to establish a highway safety program; and

**WHEREAS**, the Governor is responsible for the administration of the state's highway safety program pursuant to federal law and Tennessee Code Annotated, Section 55-20-102; and

**WHEREAS**, the state highway safety office in Tennessee works in conjunction with the National Highway Traffic Safety Administration to implement highway safety programs and initiatives; and

**WHEREAS**, the coordination of Tennessee's highway safety office, currently referred to as the Governor's Highway Safety Office, is currently a responsibility of the Department of Transportation; and

**WHEREAS**, the programs implemented by the state highway safety office are closely aligned with Department of Safety and Homeland Security initiatives; and

**WHEREAS**, the Governor, Commissioner of Transportation, and the Commissioner of Safety and Homeland Security have determined that transferring the responsibilities associated with Tennessee's highway safety office to the Department of Safety and Homeland Security will result in a more economical, efficient, and streamlined state service.

**NOW THEREFORE**, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the authority vested in me by the Tennessee Constitution and by Tennessee Code Annotated, Sections 4-4-102 and 4-4-117, do hereby direct and order the following:

1. The state highway safety office in Tennessee, previously referred to as the “Governor’s Highway Safety Office,” shall hereinafter be referred to as the “Tennessee Highway Safety Office.”
2. The functions and duties related to the Tennessee Highway Safety Office in the Department of Transportation are hereby transferred to be made a part of the Department of Safety and Homeland Security effective April 1, 2016, and, from and after April 1, 2016, all functions related to the Tennessee Highway Safety Office shall be under the control of the Commissioner of Safety and Homeland Security.
3. As of April 1, 2016, the Commissioner of Safety and Homeland Security shall be responsible for the coordination of the Tennessee Highway Safety Office; provided, that the Governor retains authority for the administration of the program. The Commissioner of Safety and Homeland Security shall have the same authority with respect to the Tennessee Highway Safety Office as with other divisions under the jurisdiction of the Department of Safety and Homeland Security. The director of the Tennessee Highway Safety Office shall be selected by the Governor and shall be supervised by the Commissioner of Safety and Homeland Security or the Commissioner’s designee. All current functions, duties, and responsibilities assigned to municipal or local governments with respect to highway safety programs shall remain in effect.
4. The Commissioner of Finance and Administration shall work with the Department of Transportation and Department of Safety and Homeland Security on the appropriate method to transfer to the Department of Safety and Homeland Security from the Department of Transportation all applicable appropriations budgeted for the Tennessee Highway Safety Office in a manner that will allow the Department of Transportation to properly close out federal Fiscal Year 2015-2016 grants and transition so that the Department of Safety and Homeland Security shall apply for and administer federal Fiscal Year 2016-2017 and future grants. As needed, the Department of Finance and Administration shall revise the budgets of both agencies to reflect the effect of this Executive Order. Any future appropriations from the General Fund related to the Tennessee Highway Safety Office shall be directed to the Department of Safety and Homeland Security.
5. With the assistance and approval of the Commissioner of Human Resources, the Commissioner of Safety and Homeland Security and the Commissioner of Transportation shall cause to be transferred to the Department of Safety and Homeland Security any filled or unfilled, authorized and funded positions assigned to the Tennessee Highway Safety Office, effective January 1, 2017. The Department of Transportation shall pay the salaries and benefits of the Tennessee Highway Safety Office personnel until December 31, 2016, to properly close out current federal

grants, and the Department of Safety and Homeland Security shall reimburse the Department of Transportation for such salaries and benefits with federal grant funds and other funds transferred to the Department of Safety and Homeland Security from the Department of Transportation.

6. All state property, equipment, and other materials available and necessary to implement the requirements of this Executive Order shall also be transferred to the custody and control of the Department of Safety and Homeland Security, effective January 1, 2017.
7. On or after April 1, 2016, the Department of Safety and Homeland Security shall have the authority to apply for, receive, administer, and supervise any and all grants and funds from whatever source, including, but not limited to, the federal, state, county, and municipal governments, with respect to functions, programs, duties, and responsibilities transferred by this Executive Order. However, the Department of Transportation shall continue to administer and supervise through their completion any current grants from federal Fiscal Year 2015-2016.
8. All contracts or leases entered into prior to April 1, 2016, by the Department of Transportation with any person, association, or entity that concern or relate to the Tennessee Highway Safety Office shall continue in full force and effect, unless and until such contracts or leases are amended or modified by the parties thereto.
9. All current rules, regulations, orders, decisions, and policies previously issued or promulgated by the Department of Transportation with respect to the Tennessee Highway Safety Office shall remain in full force and effect and shall hereafter be administered and enforced by the Department of Safety and Homeland Security. The Department of Safety and Homeland Security shall have the authority to modify or rescind previously issued orders, rules and regulations, decisions, or policies and to adopt, issue or promulgate new orders, rules and regulations, decisions, or policies as may be necessary or appropriate for the coordination of the Tennessee Highway Safety Office.
10. The Department of Safety and Homeland Security and the Department of Transportation shall coordinate efforts to ensure that conditions of current grants and future grants and applications shall properly be applied for, received, administered, and supervised in compliance with the terms of any and all grants. Further, the Departments shall ensure that appropriate actions are taken to recognize the name "Tennessee Highway Safety Office," with respect to program operations and existing and future contracts.
11. The Department of Safety and Homeland Security and the Department of Transportation shall annually coordinate and comply with 23 C.F.R. § 1270.7(c), which provides that no later than sixty (60) days after any funds are transferred under 23 C.F.R. § 1270.6, the Governor's Representative for the Highway Safety Office and the Commissioner of Transportation shall jointly identify in writing to the appropriate

National Highway Traffic Safety Administration (NHTSA) Administrator and Federal Highway Administration (FHWA) Division Administrator, how the funds transferred under 23 C.F.R. § 1270.6 will be programmed among alcohol-impaired driving programs, hazard elimination programs, and planning and administration costs.

12. The Commissioner of Safety and Homeland Security shall have the authority to execute such documents and take such other actions from time to time as may be necessary, appropriate, or convenient to carry out the intent of this Executive Order.

13. To the extent that their terms are inconsistent with the terms of this Executive Order No. 53, all previous executive orders are hereby repealed.

**IN WITNESS WHEREOF**, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 29<sup>th</sup> day of March, 2016.



GOVERNOR

ATTEST:



SECRETARY OF STATE

