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For Department of State Use Only

Sequence Number: 06-33-12
 Rule ID(s): 5229
 File Date: 6/20/12
 Effective Date: 11/28/12

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §§4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee Department of Transportation
Division:	Maintenance
Contact Person:	Leslie S. South, Assistant General Counsel
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1680-03-02	Manual on Uniform Traffic Control Devices - Supplemental Rules for Guide Signs on Freeways, Expressways and Conventional Highways
Rule Number	Rule Title
1680-03-02-.08	Table A-1, Criteria for Signing Traffic Generators on Freeways and Expressways
1680-03-02-.18	Criteria for Hospital and Tourist Information Signing
1680-03-02-.21	Area or District Signing

Amendment

Rule 1680-3-2-.08, Table A-1, Criteria for Signing Traffic Generators on Freeways and Expressways, is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1680-3-2-.08 Table A-1. Criteria for Signing Traffic Generators on Freeways and Expressways.

<i>Type of Traffic Generator</i>	<i>Specific Eligibility Criteria</i>	<i>Urban Area¹</i>	<i>Rural Area¹</i>
Airports ¹⁰	<p>Minimum Number of Commercial Passengers Daily (Prime Criterion)</p> <p>Maximum Distance from Interchange (By Road)</p> <p>Distance from Interchange For Optional Trailblazer Signs (By Road)</p>	<p>5,000/day</p> <p>Nearest interchange</p> <p>Up to 10 mi.</p>	<p>3,000/day</p> <p>Nearest interchange</p> <p>Up to 10 mi.</p>
Universities, Colleges, Junior Colleges/Community Colleges, State Technology Centers, State Vocational/Technical Schools, and state-operated special schools ²	<p>Minimum Total Enrollment-Full & Part-time Students (Prime Criterion)</p> <p>Must be listed as an institution of higher learning on Tennessee Higher Education Commission website, or must be a state-operated special school</p> <p>Maximum Distance from Interchange (By Road)</p> <p>No. of dedicated parking spaces</p>	<p>1,000²</p> <p>10 miles²</p> <p>600</p>	<p>1,000²</p> <p>10 miles²</p> <p>400</p>
Military Bases	<p>Minimum Number of Employees & Military Personnel (Prime Criterion)</p> <p>Maximum Distance from Interchange (By Road)</p>	<p>5,000</p> <p>7 miles³</p>	<p>5,000</p> <p>7 miles³</p>
Arenas/Stadiums Auditoriums Convention Halls Dams Major Recreation Sites: Fairgrounds, Zoos, Amusement Parks	<p>Minimum Annual Attendance (Prime Criterion)</p> <p>Maximum Distance from Interchange (By Road)</p>	<p>300,000</p> <p>5 miles⁴</p>	<p>200,000</p> <p>5 miles⁴</p>
National Parks, Monuments, Memorials, Historical Parks, Recreation Areas, Parkways, Battlefields/Military Parks ⁵	<p>Must be listed on U.S. Dept. of Interior, National Park Service website</p> <p>Maximum Distance from Interchange (By Road)</p>	<p>Nearest interchange</p>	<p>Nearest interchange</p>

State Veterans' Cemeteries and National Cemeteries ⁵	<p>Must be listed as a State Veterans' Cemetery on Tenn. Dept. of Veterans Affairs website or as a National Cemetery on the U.S. Dept. of Veterans Affairs website or the U.S. Dept. of Interior, National Park Service website</p> <p>Maximum Distance from Interchange (By Road)</p>	Nearest interchange	Nearest Interchange
State and National Historic Sites	<p>Must be listed as a State-owned historic site on Tenn. Dept. of Environment and Conservation, Tennessee Historic Commission website or as a National Historic Site owned by the Federal government and listed on U.S. Dept. of Interior, National Park Service website</p> <p>Maximum Distance from Interchange (By Road)</p>	10 miles	10 miles
State Wildlife Management Areas, Wildlife Refuges & State Lakes ⁶	<p>Must be open year-round</p> <p>Minimum Annual Attendance (Prime Criterion)</p> <p>Maximum Distance from Interchange (By Road)</p>	6,000 10 miles	6,000 10 miles
Cultural Interest Areas: Museums, Art Galleries, Historic Sites	<p>Minimum Annual Attendance (Prime Criterion)</p> <p>Must be open to the general public, and the primary purpose of the facility must be as a cultural interest area (museum, art gallery or historic site)</p> <p>Historic sites must be listed on the U.S. Dept. of Interior, National Park Service, National Register of Historic Places website</p> <p>Maximum Distance from Interchange (By Road)</p>	300,000 ⁷ 5 miles ⁸	200,000 ⁷ 5 miles ⁸
Comprehensive Regional Pediatric Centers ⁹	<p>Administrator of facility must verify in writing that the facility is designated as a Comprehensive Regional Pediatric Center under Tenn. Dept. of Health regulations</p> <p>Maximum Distance from Interchange (By Road)</p>	5 miles	5 miles

Veterans Administration Medical Centers ⁹	Must be listed as a VA Medical Center on the U.S. Dept. of Veterans Affairs website Maximum Distance from Interchange (By Road)	Nearest interchange	Nearest interchange
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Table 1-A Footnotes

- ¹ Urban Area: Population of 100,000 or greater in most recent federal decennial census.
Rural Area: Population of less than 100,000 in most recent federal decennial census.
- ² Pursuant to T.C.A. § 54-5-708, the Department is given a discretionary duty to implement a directional signing program for institutions of higher learning, state technology centers and state-operated special schools throughout the State. To be considered for such signing, an institution must be identified by the Tennessee Higher Education Commission (listed on THEC webpage) as a public university, a public community college, a Tennessee Technology Center, or an independent college or university within the State of Tennessee, or the institution must be a state-operated special school, and the institution must have a minimum enrollment of 1,000 full-time and part-time students; provided, that a state-operated/public community college may be signed if it is within 19 miles (by road) of an interchange, and the minimum enrollment requirement does not apply to Tennessee Technology Centers or state-operated special schools. For institutions having multiple campuses, the minimum enrollment requirement must be met by each specific campus for which signing is requested.
- ³ The maximum distance from the interchange (by road) may be increased by one mile for each 10% over the minimum number of employees and military personnel required.
- ⁴ The maximum distance from the interchange (by road) may be increased by one mile for each additional 20,000 persons attending annually over the minimum annual attendance required.
- ⁵ A National Battlefield/Military Park and National Cemetery at the same location may be signed together on one supplemental guide sign.
- ⁶ Pursuant to T.C.A. § 54-5-709(b), the Tennessee Wildlife Resources Agency shall reimburse the Department of Transportation for the cost of installing such supplemental guide signs.
- ⁷ The minimum annual attendance may be reduced to 60,000 for urban areas and 40,000 for rural areas if the following conditions are met:
- The local government of the municipality or county where the facility is located has endorsed the facility in writing to the Department as being culturally significant to the community; and
 - The Department must determine, in its engineering judgment, that signing is essential for proper motorist guidance.
- ⁸ The maximum distance from the interchange (by road) may be increased by one mile for each additional 20,000 persons attending annually over the minimum annual attendance required.
- ⁹ The facility will be signed, if possible, at the nearest freeway or expressway interchange as measured in travel time to the facility under average daytime traffic conditions. The local government having jurisdiction over the local streets or roads between the interchange and the facility shall be responsible for installing and maintaining trailblazer signs on those local streets or roads as may be necessary to provide directions to the facility. These local trailblazer signs must be in place prior to the installation of a supplemental guide sign at the interchange of a freeway or expressway.
- ¹⁰ Pursuant to T.C.A. § 54-5-710, general aviation airports located not more than 10 miles from a freeway may be signed; provided that the facility has at least a six-thousand foot (6,000') runway with at least two thousand three hundred feet (2,300') of approach lead in strobe lights; has at least fifty-eight (58) hangars; complies with all federal design/safety standards; has an instrument landing system with distance measuring equipment

(ILS/DME); serves as the prime staging area for regional disaster preparedness and relief; and provides full-time trauma hospital flight access service.

Authority: T.C.A. §§ 54-5-108(b); 54-5-704 – 54-5-710.

Rule 1680-3-2-.18, Criteria for Hospital and Tourist Information Signing, is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

Rule 1680-3-2-.18 Criteria for Hospital and Tourist Information Signing.

- (1) Hospital and tourist information signs may be installed on State-maintained freeways and expressways at interchanges located outside the urbanized area boundaries of cities having a population of 100,000 or more under the following conditions:
 - (a) The facility meets the eligibility criteria established in Rule 1680-3-2-.19.
 - (b) The tourist information facility is located on or is readily identifiable from the crossroad intersecting the freeway or expressway.
 - (c) The hospital facility is the closest qualifying medical facility in point of time of travel under average daytime traffic conditions and may be reached without circuitous travel.
 - (d) Not more than one sign shall be installed for each facility in each direction of travel on the freeway or expressway.
 - (e) Motorists can readily return to the freeway or expressway and continue in their original direction of travel.
- (2) Hospital and tourist information signs may be installed on State-maintained freeways and expressways at interchanges located within the urbanized area boundaries of cities having a population of 100,000 or more based on the 2000 US Census and which have multiple interstates under the following conditions:
 - (a) The facility meets the eligibility criteria established in Rule 1680-3-2-.19.
 - (b) For tourist information signs, the facility is located on or is readily identifiable from the crossroad intersecting the freeway or expressway.
 - (c) Not more than one sign shall be installed for the facility in each direction of travel on the freeway or expressway.
 - (d) For tourist information signs, motorists can readily return to the freeway or expressway and continue in their original direction of travel.
 - (e) For hospitals inside of urbanized areas and which have multiple interstates, the city and/or county government may submit a comprehensive sign plan to the Commissioner of Transportation for consideration and possible approval. The plan may cover the entire county. All associated cost of any plan must be covered with non-State funds.
- (3) Hospital and tourist information signs may be installed on a conventional State highway under the following conditions:
 - (a) The facility meets the eligibility criteria established in Rule 1680-3-2-.19.
 - (b) The tourist information center is located within one mile of the intersection where signing is proposed to be installed and the facility may be reached without circuitous travel. Not more than one tourist information center may be signed at an interchange.
 - (c) The hospital facility is located within three miles of the intersection where signing is proposed to be installed and the facility may be reached without circuitous travel. Only the closest qualifying medical facility in point of time of travel under average daytime traffic conditions may be signed.

- (d) A facility may be signed only at the nearest State route intersection for each direction of travel from the facility. Where the facility abuts a State highway, this means the nearest intersection with another State highway for each direction of travel along the State highway. Where the facility is not located adjacent to a State highway, this means the nearest intersection with a State highway for each direction of travel on the local road. Signs may be installed at additional locations where engineering judgment indicates such additional signing is essential for proper motorist guidance.

Authority: T.C.A. § 54-5-108(b).

New Rule

Chapter 1680-03-02 is further amended by adding a new Rule 1680-03-02-.21, which shall read:

1680-03-02-.21 Area or District Signing

- (1) Any municipality having a population in excess of one hundred fifty-five thousand (155,000), according to the 2000 federal census or any subsequent federal census, or any county which adopts a Wayfinding Program pursuant to Chapter 1680-3-5 of these Rules, may elect to develop a comprehensive plan whereby all freeway signing for individual traffic generators within the local jurisdiction shall be replaced by area or district signing. The plan shall be submitted to the Department for review and final approval.
 - (a) The plan must establish specific criteria for determining which areas or districts shall be eligible for signing. A list of the areas or districts determined to be eligible by the local jurisdiction shall be forwarded to the Department for review and approval.
 - (b) The plan shall include a detailed process to be followed by those requesting modifications or inclusion in the system. All requests approved by the local jurisdiction shall be forwarded to the Department for review and approval.
 - (c) Prior to implementation of the plan, the local jurisdiction must obtain written consent from any entity or facility which is signed within an eligible area or district to remove its existing interstate guide sign and any associated ramp sign as part of the overall plan for area or district signing. Copies of all such written consent shall be forwarded to the Department.
 - (d) The Department shall retain final authority for approval of all freeway signing. All funds for the implementation of any approved plan shall be provided by the local jurisdiction. All approved freeway signing must be installed to State specifications and will become property of the State upon installation. Any jurisdiction which adopts such a plan shall be responsible for development of aspects of design, construction, and letting of the plan under the oversight of the Department.

Authority: T.C.A. § 54-5-108(b); 2010 Pub.Acts, c. 727, eff. April 9, 2010.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

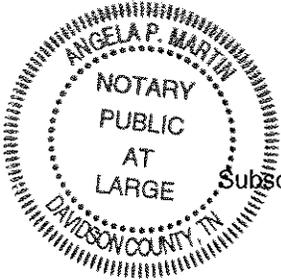
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on _____ (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. §4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: JUN 4 2012

Signature: 

Name of Officer: John Schroer

Title of Officer: Commissioner



Subscribed and sworn to before me on: June 4, 2012

Notary Public Signature: Angela P. Martin

My commission expires on: 3/8/2016

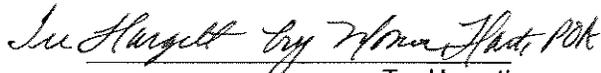
All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


 Robert E. Cooper, Jr.
 Attorney General and Reporter
6-14-12
 Date

Department of State Use Only

Filed with the Department of State on: 6/20/12

Effective on: 11/28/12


 Tre Hargett
 Secretary of State

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 DIVISION OF REGULATIONS

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. §4-5-202(a)(3) and T.C.A. §4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Rule 1680-03-02-.08: The Department does not anticipate any significant impact on small businesses, as this rule is permissive and does not require any currently signed facility to participate.

Rule 1680-03-02-.18: The Department does not anticipate any significant impact on small businesses, as this rule is permissive and does not require that any currently signed facility to participate.

Rule 1680-03-02-.21 The Department does not anticipate any impact on small businesses, as this rule change impacts only those institutions of higher learning which may be eligible for highway guide signs on freeway and expressways.

Impact on Local Governments

Pursuant to T.C.A. §§4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Rule 1680-03-02-.08: The Department does not anticipate any significant impact on local governments, as this rule is permissive and does not require any currently signed facility to participate.

Rule 1680-03-02-.18: The Department does not anticipate any significant impact on local governments, as this rule is permissive and does not require that any currently signed facility to participate.

Rule 1680-03-02-.21 The Department does not anticipate any significant impact on local governments, as this rule change impacts only those institutions of higher learning which may be eligible for highway guide signs on freeway and expressways.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. §4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1680-03-02-.08: This rule changes the criteria for signing traffic generators on freeways and expressways and will establish that Universities, Colleges, and other institutions of higher learning must have a minimum number of parking spaces in order to qualify for freeway signing. This additional requirement is consistent with other minimum requirements which have been established to insure that eligible schools have at least a minimum level of traffic to warrant the placement of guide signs. The rule also more accurately reflects the Department's interpretation of minimum enrollment requirements for institutions of higher learning having multiple campuses.

Rule 1680-03-02-.18: This rule change will allow cities with populations in excess of 100,000 persons to propose a comprehensive sign plan for hospitals within their jurisdiction. The program is permissive in nature.

Rule 1680-03-02-.21: This rule allows cities of a certain size to adopt a supplemental freeway sign comprehensive plan for areas in order to support a local wayfinding system. If adopted, area freeway signs will replace existing signs for individual traffic generators. The program is permissive in nature.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

The Federal Manual on Uniform Traffic Control Devices (MUTCD), adopted by the State as T.C.A. 54-5-108(b), requires TDOT to adopt a manual for the design and location of signs, signal, markings, and for posting traffic regulations on all public street in the State of Tennessee. The MUTCD advises that states should adopt supplemental rules for guide signs such as the ones promulgated herein.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Rule 1680-03-02-.08: This rule change primarily impacts universities, colleges, and other institutions of higher learning. The Department has not received any comments from any university, college, and other institution of higher learning regarding this rule change.

Rule 1680-03-02-.18: This rule change impacts hospitals with emergency room facilities and is proposed here at the request of the Tennessee Hospital Association.

Rule 1680-03-02-.21: This rule primarily impacts the four largest cities of the state and is proposed here at the request of Metropolitan Nashville and Davidson County.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are no known Attorney General opinions or judicial rulings directly relating to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

No significant increase in state revenue is expected from the promulgation of this rule. Any costs to a local government choosing to implement an area sign system as allowed by this rule change are incurred at the discretion of the local government and are not mandatory.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Leslie S. South, Assistant General Counsel
Joseph V. Sweat, Operations Specialist 3

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Leslie S. South, Assistant General Counsel
Joseph V. Sweat, Operations Specialist 3

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.