

Proposed Rules  
of  
The University of Tennessee - 1720  
The University of Tennessee, Knoxville

Chapter 1720-04-05

Traffic and Parking Regulations

Presented herein are proposed amendments of The University of Tennessee submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of The University of Tennessee to promulgate these amendments without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in Room 719 of the Andy Holt Tower located at The University of Tennessee, 1331 Circle Park Drive, Knoxville, Tennessee 37996-0170, and in the Department of State, 8th Floor, Tennessee Tower, William R. Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must 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.

For a copy of these proposed amendments, contact: Matthew M. Scoggins, Assistant General Counsel, The University of Tennessee, Office of General Counsel, 719 Andy Holt Tower, 1331 Circle Park Drive, Knoxville, TN 37996-0170, telephone number (865) 974-2356.

The text of the proposed amendments is as follows:

Amendments

Paragraph (3) of Rule 1720-04-05-.01 General is amended by adding the phrase "and Transit" after the word "Parking" in the second sentence so that, as amended, the Rule shall read:

- (3) The UT Police Department is responsible for implementation and enforcement of these regulations. Records are maintained by the Parking and Transit Services Department, 865-974-6031.

Authority: T.C.A. §49-9-209(e).

Paragraph (1) of Rule 1720-04-05-.02 Registration of Vehicles is amended by adding the phrase "and Transit" after the word "Parking" in the first sentence so that, as amended, the Rule shall read:

- (1) All motor vehicles operated by staff and students in connection with their employment or attendance at The University of Tennessee must be registered with the Parking and Transit Services Department. Registration alone does not confer any parking privileges at any time on campus. Registration improves the security of campus, identifies the operator as affiliated with the University and provides for more expedient notification in the event of any emergency. THERE WILL BE NO CHARGE FOR REGISTRATION.

Authority: T.C.A. §49-9-209(e).

Paragraph (4) of Rule 1720-04-05-.02 Registration of Vehicles is amended by changing the case of the phrase "Apartment Complex of Residency" to lowercase in the first sentence and by adding the phrase "and Transit" after the word "Parking" in the second sentence so that, as amended, the Rule shall read:

- (4) Parking at University Apartments requires a special registration tag that is to be obtained from the Resident Manager's Office of the apartment complex of residency. This tag will authorize parking at a particular housing unit only. Parking in University lots on the Agriculture and Main Campuses will require the appropriate staff or student parking permit, which may be obtained at the Parking and Transit Services Department, University Center, Room 24, or 2121 Stephenson Drive.

Authority: T.C.A. §49-9-209(e).

Paragraph (6) of Rule 1720-04-05-.02 Registration of Vehicles is amended by changing the case of the word "Staff" to lowercase as used for the second time in the first sentence so that, as amended, the Rule shall read:

- (6) Staff vehicle registrations must be accomplished within 72-hours of joining the University staff and within 72-hours of acquiring a vehicle. A temporary permit is required during this initial 72-hour period. Staff vehicle registration must be renewed each year at the beginning of the parking year (August 1 through July 31).

Authority: T.C.A. §49-9-209(e).

Paragraph (2) of Rule 1720-04-05-.03 Staff Space Allocation and Parking Assignment is amended by adding the phrase "and Transit" to subparagraphs (b) and (d); by adding the word "the" in subparagraph (c) after the word "from;" and by changing the case of the phrase "Fall Semester" to lowercase in subparagraph (c) so that, as amended, the Rule shall read:

- (2) Deans or directors will make individual assignments not to exceed the number of spaces allocated.
  - (a) Priority of assignment is up to each department; however, professional rank, seniority, job requirements or physical limitations should be prime considerations.
  - (b) Assignments will be made by the Parking and Transit Services Department in accordance with instructions from deans or directors.
  - (c) Assignments and permits extend from the time of issuance to the beginning of the following fall semester.
  - (d) Staff members will present to the Parking and Transit Services Department letters of authorization from deans or directors for area assignment.

Authority: T.C.A. §49-9-209(e).

Part (9) of subparagraph (b) of paragraph (1) of Rule 1720-04-05-.05 Violations is amended by deleting the phrase "In handicapped" and the word "or" and substituting new language so that, as amended, the Rule shall read:

9. Disability parking violation, as defined by State law (e.g., an unauthorized use of a disabled parking space, ramp, plate, or placard; parking a vehicle so that a portion of the vehicle encroaches into a disabled parking space in a manner which restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a vehicle properly parked within a disabled parking space).

Authority: T.C.A. §49-9-209(e).

Subparagraph (b) of paragraph (1) of Rule 1720-04-05-.05 Violations is amended by deleting part (11) in its entirety.

Authority: T.C.A. §49-9-209(e).

Paragraph (1) of Rule 1720-04-05-.06 Enforcement is amended by adding the phrase "and Transit" after the word "Parking" so that, as amended, the Rule shall read:

- (1) University violation citations must be answered in person or by mail at the Parking and Transit Services Department, University Center, Room 24, or 2121 Stephenson Drive, within fourteen (14) calendar days after issuance to avoid 50% penalty for late payment or forfeiture of right to appeal.

Authority: T.C.A. §49-9-209(e).

Paragraph (3) of Rule 1720-2-3-.06 Enforcement is amended by deleting the word "fees" and substituting the word "fines" so that, as amended, the Rule shall read:

- (3) Vehicles having a violation citation(s) which has not been satisfactorily disposed of by payment of assessed penalties/fines within the fourteen (14) calendar day period or by a successful appeal may be towed/booted whenever found parked on University property, provided the owner of such vehicle will first be notified in writing of
  - (a) The existence of delinquent violation citation(s);
  - (b) The owner's right to a hearing and where such hearing may be obtained; and
  - (c) The University's intent to tow/boot such vehicle when it is next found on University property, whether parked legally or illegally.

Authority: T.C.A. §49-9-209(e).

Paragraph (5) of Rule 1720-04-05-.06 Enforcement is amended by deleting the phrase "Parking Services Office" and substituting the phrase "Parking and Transit Services Department" so that, as amended, the Rule shall read:

- (5) Hearing will be provided at the Parking and Transit Services Department located at University Center, Room 24.

Authority: T.C.A. §49-9-209(e).

Paragraph (6) of Rule 1720-04-05-.06 Enforcement is amended by deleting the phrase "1115 UT Drive" and substituting the phrase "1101 Cumberland Avenue" so that, as amended, the Rule shall read:

- (6) Impounded vehicles may be claimed at University Center, Room 24, M-F, 8:30 a.m.-4:30 p.m. After this time, vehicles may be claimed at UT Police Department, 1110 Cumberland Avenue. Impounded vehicles will be released only upon proper identification.

Authority: T.C.A. §49-9-209(e).

Paragraph (1) of Rule 1720-04-05-.07 Penalties is amended by deleting the phrase "Violation Fees" and substituting the phrase "Fines and Other Penalties for Violations" so that, as amended, the Rule shall read:

- (1) Fines and Other Penalties for Violations - Staff, Students and Visitors.

Authority: T.C.A. §49-9-209(e).

Subparagraph (b) of paragraph (1) of Rule 1720-04-05-.07 Penalties is amended by deleting all of the current language except the phrase "Parking violation \$24.00;" by adding the phrase, "except for the following violations;" and by adding parts (1) and (2) with new language so that, as amended, the Rule shall read:

- (b) Parking violation \$24.00, except for the following violations:
  1. Fire lane violation \$42.00;
  2. Disability parking violation. The fine for a disability parking violation is set by State law, Tennessee Code Annotated section 55-21-108. As of July 1, 2008, the fine was set at two hundred dollars (\$200). The fine imposed under these regulations will increase or decrease automatically when increased or decreased by State law. The fine for a disability parking violation shall not be suspended or waived. In addition to the fine, not more than five (5) hours of community service work may be imposed for a disability parking violation. Any community service work requirements imposed shall be to assist the disabled community by monitoring disabled parking spaces, providing assistance to disability centers or to disabled veterans, or other such purposes.

Authority: T.C.A. §49-9-209(e).

Subparagraph (c) of paragraph (3) of Rule 1720-04-05-.07 Penalties is amended by deleting the word "his" and substituting the word "a" so that, as amended, the Rule shall read:

- (c) A staff member with outstanding traffic citations will not be allowed to register a vehicle or purchase a parking permit.

Authority: T.C.A. §49-9-209(e).

Paragraph (2) of Rule 1720-04-05-.08 Appeals is amended by adding the phrase "and Transit" after the word "Parking" in the first sentence so that, as amended, the Rule shall read:

- (2) A written appeal, using the form supplied by the Parking and Transit Services Department, is the initial step in the appeals process. This must be done within fourteen (14) calendar days from the issuance of the citation or the right of appeal will be forfeited. Appeals must be made by the person cited or person to whom the vehicle is registered. Oral or written requests from other persons will not be accepted except to clarify that a person cited is not an active UT employee or student.

Authority: T.C.A. §49-9-209(e).

Paragraph (4) of Rule 1720-04-05-.08 Appeals is amended by adding the phrase "and Transit" after the word "Parking" in the third sentence so that, as amended, the Rule shall read:

- (4) A Staff Appeals Board meets as required at University Center, Room 24. A Student Appeals Board meets regularly during each semester at the same location. The Parking and Transit Services Department (865-974-6031) may be contacted for appeals information.

Authority: T.C.A. §49-9-209(e).

Rule 1720-04-05-.10 Special Occasions and Emergencies is amended by adding the phrase "and Transit" after the word "Parking" so that, as amended, the Rule shall read:

1720-04-05-.10 Special Occasions and Emergencies. On special occasions - for example: athletic events, concerts, graduation exercises, etc., and in emergencies - parking and traffic limitations may be imposed by UT Police or the Parking and Transit Services Department as required by the conditions which prevail.

Authority: T.C.A. §49-9-209(e).

The proposed rules set out herein were properly filed in the Department of State on the 17th day of November, 2008, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 30th day of March, 2009. (FS 11-30-08; DBID 3700)