Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 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 ninety (90) days of 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 ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:  Tennessee Department of Transportation
Division: Traffic Operations Division
Contact Person: John H. Reinbold, General Counsel
Address: Suite 300, James K. Polk Building, 505 Deaderick Street, Nashville, TN
Zip: 37243
Phone: (615) 741-2941
Email: John.Reinbold@tn.gov

Revision Type (check all that apply):
X Amendment
___ New
___ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

<table>
<thead>
<tr>
<th>Chapter Number</th>
<th>Chapter Title</th>
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<tbody>
<tr>
<td>1680-02-05</td>
<td>Truck Lane Restrictions Along Interstates and Multi-Lane Access Controlled Highways</td>
</tr>
</tbody>
</table>

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<tbody>
<tr>
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</table>
The Department of Transportation requests that Chapter Number 1680-02-05, Truck Lane Restrictions Along Interstates and Multi-Lane Access Controlled Highways, shall be redesignated as Chapter Number 1680-10-02, Truck Lane Restrictions Along Interstates and Multi-Lane Access Controlled Highways, and indexed under general heading of Chapter 1680-10, Traffic Operations Division.

Authority: T.C.A. § 55-8-195.

Rule 1680-10-02-.03 (as redesignated) shall be amended by deleting paragraph (1) in its entirety and substituting the following language so that as amended the paragraph shall read:

(1) Except as otherwise provided in these rules, truck tractors and semi trailers shall be restricted to the right two (2) lanes of travel, or as otherwise determined by the Department of Transportation, in designated areas of eligible highways where appropriate signage has been posted.

Authority: T.C.A. § 55-8-195.
* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Aye</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Signature (if required)</th>
</tr>
</thead>
</table>

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on **10/13/2017** (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 ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: **10-13-17**  
Signature: **John Schroeer**  
Name of Officer: **Commissioner**  
Title of Officer: **Commissioner**

Subscribed and sworn to before me on: **10-13-17**  
Notary Public Signature: **Angela P. Martin**  
My commission expires on: **1-6-2020**

Agency/Board/Commission: ____________________________  
Rule Chapter Number(s): ____________________________

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.

Herbert H. Slatery III  
Attorney General and Reporter  
11/21/2017  
Date

Department of State Use Only

Filed with the Department of State on: **12/1/17**  
Effective on: **3/1/18**

Tre Hargett  
Secretary of State

SS-7038 (June 2016)  
3  
RDA 1693
Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The proposed rule change should not have any significant impact on small businesses. The effect of the proposed rule change will be to give TDOT more flexibility in establishing truck lane restrictions on multi-lane divided highways instead of limiting truck lane restrictions to the right two travel lanes. In some multi-lane highway locations, for example, it may facilitate the flow of traffic to allow trucks to travel in all lanes but the far left lane where there are frequent entry points for other traffic on the right side of the highway.
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)

The proposed rule change should not have any significant impact on local governments. The effect of the proposed rule change will be to give TDOT more flexibility in establishing truck lane restrictions on multi-lane divided highways instead of limiting truck lane restrictions to the right two travel lanes. In some multi-lane highway locations, for example, it may facilitate the flow of traffic to allow trucks to travel in all lanes but the far left lane where there are frequent entry points for other traffic on the right side of the highway.
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;

In accordance with T.C.A. § 55-8-195, TDOT Rule Chapter 1680-02-05 establishes criteria for the designation and enforcement of lane restrictions for the travel of trucks with semi-trailers on interstate highways and other multi-lane divided highways. The chapter number will be redesignated as 1680-10-02 under the administration of TDOT's Traffic Operations Division.

In addition, Rule 1680-10-02-03 (as redesignated) is amended to remove the limitation that truck tractor/semi-trailer combinations will be restricted to the right two lanes. Instead, the rule as amended will allow TDOT greater flexibility in establishing truck lane restrictions, e.g., allowing trucks to travel in all lanes but the left lane in locations where there are frequent points of entry for traffic into the far right lane.

(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;

T.C.A. § 55-8-195

(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;

The Tennessee Trucking Association, the Specialized Carriers & Riggers Association, and truckers generally.

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

N/A

(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;

None

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

John H. Reinbold, General Counsel; Joseph Sweat, Transportation Manager 1, Traffic Operations Division.

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

John H. Reinbold, General Counsel; Joseph Sweat, Transportation Manager 1, Traffic Operations Division.

(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

John H. Reinbold, General Counsel, Tennessee Department of Transportation, Suite 300, James K. Polk Building, 505 Deaderick Street, Nashville, TN 37243; telephone number (615) 741-2941.

Joseph Sweat, Transportation Manager 1, Traffic Operations Division, Tennessee Department of Transportation, Suite 1200, James K. Polk Building, Nashville, TN 37243; telephone number (615) 532-3431.
Any additional information relevant to the rule proposed for continuation that the committee requests.

None at this time.
RULE
S OF
TENNESSEE DEPARTMENT OF TRANSPORTATION

CHAPTER 1680-210-502
TRUCK LANE RESTRICTIONS ALONG INTERSTATES AND MULTI-LANE ACCESS CONTROLLED HIGHWAYS

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1680-10-02-.02 Definitions
1680-10-02-.03 Truck Lane Restrictions
1680-10-02-.04 Guidelines for Establishing Truck Lane Restrictions on Eligible Highways

1680-210-502-.01 PURPOSE AND SCOPE.

(1) The purpose of these rules is to implement Tennessee Code Annotated § 55-8-195 by establishing criteria for the designation and enforcement of lane restrictions for truck tractors and semi trailers as defined in Tennessee Code Annotated § 55-8-101 and in these rules.

(2) The truck lane restrictions established under these rules shall apply only in designated areas where appropriate signage has been posted on eligible highways as defined in these rules.


1680-210-502-.02 DEFINITIONS.

(1) "Access controlled highway" means a highway or street especially designed for through traffic, with grade-separated interchanges rather than at-grade intersections, and to which owners or occupants of abutting land or other persons have no legal right or easement of access from abutting land.

(2) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(3) "Eligible highways" means highways on the Interstate Highway System and access controlled, multilane divided highways on the state highway system that have three (3) or more lanes in each direction of travel.

(4) "Semi trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(5) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.


1680-210-502-.03 TRUCK LANE RESTRICTIONS.

(1) Except as otherwise provided in these rules, truck tractors and semi trailers shall be restricted to the right two (2) lanes of travel, or as otherwise determined by the Department of Transportation, in designated areas of eligible highways where appropriate signage has been posted.

November, 2005 (Revised)
(2) Truck lane restrictions shall not apply when truck tractors and semi-trailers are passing other motor vehicles. The passing maneuver shall be safely completed in as short a time period as feasible. The passing maneuver shall consist of passing one motor vehicle at a time.

(3) Buses are not subject to the restrictions established in these rules.


1680-210-04 GUIDELINES FOR ESTABLISHING TRUCK LANE RESTRICTIONS ON ELIGIBLE HIGHWAYS.

(1) Interstate highways and other access controlled, multilane divided highways that have three (3) or more through lanes in each direction of travel are eligible for truck lane restrictions.

(2) Only those portions of eligible highways approved by the Department of Transportation and where appropriate signage has been installed shall be considered as having truck lane restrictions.

(3) Truck lane restrictions shall terminate within two (2) miles of a left lane exit to allow ample time for lane transitions.

(4) Existing truck lane restrictions may be temporarily terminated or modified during highway construction and other special events at the discretion of the Department of Transportation.

(5) Truck lane restrictions should be avoided in areas where the average truck spacing is less than 500 feet per lane.

(6) Signs shall be placed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) to provide motorists with notification of the restricted zone. Examples of the signs may be found in the current edition of the Tennessee Supplement to Standard Highway Signs and the MUTCD.

(7) These rules do not apply to those portions of highways where “truck climbing lanes” have been established due to excessive grades or where special truck lane restrictions have been established in construction zones.

(8) The Commissioner of the Department of Transportation reserves the authority to remove or modify truck lane restriction zones established under these rules.