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Sequence Number: 12-02-17
Rule ID(s): 6658
File Date: 12/1/17
Effective Date: 3/1/18

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:	Legal Division
Contact Person:	John H. Reinbold, General Counsel
Address:	505 Deaderick Street, Suite 300, Nashville, TN
Zip:	37243
Phone:	615-741-2941
Email:	John.Reinbold@tn.gov

Revision Type (check all that apply):

___ Amendment
___ New
_X_ 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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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)

Chapter Number	**Chapter Title**
1680-03-05	Local Government Guide Sign Program (Wayfinding Program) Including Conventional State Highways
Rule Number	**Rule Title**
1680-03-05-.01	Purpose
1680-03-05-.02	Application and Scope of Program
1680-03-05-.03	Definitions
1680-03-05-.04	Alternative Signing Methods
1680-03-05-.05	Program Components and Approvals
1680-03-05-.06	Installation and Maintenance of Signs

(Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to http://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

The Tennessee Department of Transportation adopted Chapter 1680-03-05 in 2005 to establish procedures and guidelines for the approval of locally managed wayfinding guide signs, including non-standard signs, on conventional state highways within incorporated municipalities. At that time, the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD), adopted in the State of Tennessee pursuant to Chapter 1680-03-01, did not specifically provide for local wayfinding sign programs and no guide sign other than a standard sign with white lettering on a green background could be erected without the approval of the Federal Highway Administration. However, the current edition of the MUTCD, at Section 2.D.50, specifically authorizes community wayfinding signs, including previously non-standard signs. Per T.C.A. § 54-5-703, incorporated municipalities have authority to erect directional signs, which would include wayfinding signs, on conventional roads on the state highway system. Therefore, Chapter 1680-03-05 is no longer needed and is hereby repealed.

* 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 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:

Name of Officer: John Schroer

Title of Officer: Commissioner

ANGELA P. MARTIN NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TN

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

Herbert H. Slatery III
Attorney General and Reporter

11/21/2017

Date

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PUBLICATIONS

Filed with the Department of State on: 12/1/17

Effective on: 3/1/18

Tre Hargett

Tre Hargett
Secretary of State

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 repeal of Chapter 1680-03-05 has no specific effect on small business.

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 repeal of Chapter 1680-03-05 will not have any adverse impact on local governments because Section 2.D.50 of the current edition of the Manual on Uniform Traffic Control Devices specifically authorizes community wayfinding signs on conventional roads. Per T.C.A. § 54-5-703, incorporated municipalities may erect directional signs, including wayfinding program signs, on conventional roads on the state highway system.

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;

Chapter 1680-03-05 established procedures and guidelines for the approval of locally managed wayfinding program signs, including the approval of non-standard signs, on conventional state highways within incorporated municipalities. This rule chapter is no longer needed because Section 2.D.50 of the current Manual on Uniform Traffic Control Devices specifically authorizes community wayfinding sign programs, including previously non-standard signs, on conventional roads.

(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;

Section 2.D.50 of the Federal Highway Administration, Manual on Uniform Traffic Control Devices (2009 edition), specifically authorizes community wayfinding sign programs on conventional roads. T.C.A. § 54-5-703 allows incorporated municipalities to erect directional signs, including wayfinding program signs, on conventional roads on the state highway system.

(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;

Local governments are most directly impacted by the repeal of Chapter 1680-03-05. Because Section 2.D.50 of the MUTCD specifically authorizes community wayfinding signs on conventional roads, Chapter 1680-03-05 is no longer needed to authorize the implementation of local wayfinding programs, including the installation of local wayfinding signs on conventional state highways within incorporated municipalities.

(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;

None

(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.

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

None at this time.