



State of Tennessee

PUBLIC CHAPTER NO. 425

SENATE BILL NO. 1220

By Norris, Tracy, Jackson, Yager

Substituted for: House Bill No. 533

By Hawk, Casada, Jerry Sexton, McDaniel, Kevin Brooks

AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 1, Part 1 and Title 54, Chapter 4, relative to maintenance of roads and bridges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-1-126, is amended by adding the following language as a new subsection (c):

(c) The department of transportation is responsible for maintenance of public roads and bridges within the boundaries of parks, as defined by § 11-3-101, administered by the department of environment and conservation, as follows:

(1) Maintenance work undertaken by the department of transportation shall be limited to the following items as necessary to maintain the roadway:

(A) Resurfacing and repair of the travel lanes and shoulders;

(B) Repair and cleaning of drainage structures;

(C) Repair of bridges and abutments;

(D) Repair of retaining walls and tunnels; and

(E) Replacement or repair of traffic control devices installed in accordance with the Manual on Uniform Traffic Control Devices, including regulatory and warning signs and pavement markings;

(2) Maintenance of the public roadway rights-of-way, including mowing and litter removal, as well as maintenance of golf cart paths, greenways, trails, parking lots, driveways, restricted access service roads, and any similar facilities shall remain the responsibility of the department of environment and conservation. The department of transportation may perform any of this maintenance work on behalf of the department of environment and conservation in accordance with an interagency agreement; provided, that the agreement shall require the department of transportation to be reimbursed for the cost of performing the work;

(3) In coordination with the department of environment and conservation, the department of transportation shall develop and maintain an inventory of public roads and bridges within each state park that are eligible for maintenance by the department of transportation under this subsection (c) and shall develop a program to prioritize maintenance needs. The department may enter into a written agreement with the department of environment and conservation related to such maintenance work;

(4) The department of transportation is authorized to use state highway funds, established in title 54, chapter 2, part 1, to fund the maintenance work authorized in this subsection (c), in accordance with normal budget procedures; and

(5) The department of transportation may enter into agreements with the

counties or municipalities in which the state park is located to perform maintenance work on public roads within state parks, and the department may use state highway funds to reimburse the counties or municipalities for the costs of performing such maintenance work.

SECTION 2. Tennessee Code Annotated, Title 54, Chapter 4, is amended by adding the following as a new part 6:

Part 6—High Priority Bridge Replacement Program

54-4-601. Eligibility

(a) Eligible bridges shall be those located on public roads under the jurisdiction of a local government, and shall not include bridges located on the state system of highways. Any local government that meets the eligibility requirements in § 54-4-504(c) shall be eligible for participation in the high priority bridge replacement program.

(b) For purposes of this part, "bridge" means a structure on a public road, including supports, erected for carrying traffic over a depression or an obstruction, such as water or a highway or railway, and having an opening measured along the center of the roadway of more than twenty feet (20') between under-copings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; it may also include multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening.

54-4-602. Selection Process

The commissioner of transportation shall establish criteria for the selection of projects to be funded under the high priority bridge replacement program based on the numbers and structural condition of bridges identified through the National Bridge Inventory as compiled by the department of transportation and other relevant information the commissioner may consider appropriate.

54-4-603. Funding

(a) Funding for the high priority bridge replacement program shall be separate from funding for the state bridge grant program established in part 5 of this chapter.

(b) The expenditure of funds under this program shall be based on need as determined by the commissioner of transportation and shall not be subject to the formula governing the allocation of funds under the state bridge grant program established in part 5 of this chapter.

(c) The state share payable for a project undertaken pursuant to this part may be up to one hundred percent (100%) of the project cost approved by the department of transportation.

(d) The department of transportation may use funds available through federal, state, or local sources to implement this program.

54-4-604. Maintenance of Projects

Any project undertaken pursuant to this part shall be maintained by the local government, as defined in § 54-4-502, within whose jurisdiction the project lies.

SECTION 3. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 4. The headings to sections, chapters, and parts in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 5. This act shall take effect on July 1, 2017, the public welfare requiring it.

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PASSED: May 4, 2017


RANDY McNALLY
SPEAKER OF THE SENATE


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of May 2017


BILL HASLAM, GOVERNOR