

HOUSE BILL 1612

By Clemmons

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29, Part 2; Section 12-2-112; Title 54 and Title 55, relative to the development of user fee facility projects.

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

SECTION 1. Tennessee Code Annotated, Section 54-3-103, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Local government" means a municipality or county, including a county with a metropolitan form of government;

SECTION 2. Tennessee Code Annotated, Section 54-3-102(c), is amended by deleting the first and second sentences and substituting instead the following:

Prior to submitting to the general assembly a transportation improvement plan in which a user fee facility project is included, the department shall submit, for approval, the proposed user fee facility project to the governing body of each local government in which the proposed user fee facility is to be located, either wholly or partly, as provided in this chapter. If the local governing body or bodies, as applicable, approve the proposed project, then the department shall submit the proposed project to the board for approval, as provided in this chapter. Further development of the user fee facility project must not occur until the user fee facility project has been approved by the local governing body or bodies, by the board, and, if applicable, by the general assembly in accordance with this subsection (c).

SECTION 3. Tennessee Code Annotated, Section 54-3-104(a), is amended by deleting the language ", the transportation modernization fund," in the second sentence.

SECTION 4. Tennessee Code Annotated, Section 54-3-104(c), is amended in the first sentence by deleting the following language:

The department may, subject to approval of the board, designate one (1) or more lanes of a highway, or portion of a highway, within the state as a user fee facility;

and substituting instead the following:

The department may designate one (1) or more lanes of a highway, or portion of a highway, within the state as a user fee facility, subject to approval of the governing body of each local government in which the proposed user fee facility is to be located, either wholly or partly;

SECTION 5. Tennessee Code Annotated, Section 54-3-104(d), is amended by deleting "board" in the first sentence and substituting "governing body of each local government in which the proposed user fee facility is to be located, either wholly or partly".

SECTION 6. Tennessee Code Annotated, Section 54-3-104(d), is amended by redesignating the language as new subdivisions (d)(1)(A)-(D), and adding the following as a new subdivision (d)(2):

(2) If the local governing body or bodies, as applicable, approve the proposed user fee facility, then the department shall submit a proposal to the board that includes the information required by subdivisions (d)(1)(A)-(D).

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.