

SENATE BILL 1644

By Norris

AN ACT to amend Tennessee Code Annotated, Title 54,
Chapter 5, Part 4, relative to the Industrial
Highway Act.

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

SECTION 1. Tennessee Code Annotated, Section 54-5-401, is amended by deleting the section in its entirety and by substituting the following language:

This part shall be known and may be cited as the "State Industrial Access Act."

SECTION 2. Tennessee Code Annotated, Section 54-5-402, is amended by deleting the section in its entirety and by substituting the following language:

As used in this part, unless the context otherwise requires:

(1) "Department" means the department of transportation;

(2) "Industry" or "industrial" means facilities for the manufacture of goods or for the production or processing of commodities; ports or other distribution centers for the storage and shipment of goods; corporate or administrative headquarters of business firms; and any facility of a business which the department of economic and community development has determined to be eligible for a FastTrack industrial infrastructure and industrial site preparation grant or loan pursuant to §§ 4-3-715 – 4-3-717;

(3) "Industrial highway" means any extension of, or connection with the highway system, including state and federal highways, rural roads, and municipal streets, constructed under this part;

(4) "Industrial railway" means any extension of, or connection with, the railway systems of this state that is constructed under this part; provided, that

any industrial railway developed or constructed with financial assistance provided under this part shall be a publicly owned facility; and

(5) "Municipality" means any county, incorporated city or town, or any public railroad, port, or transportation authority in this state.

SECTION 3. Tennessee Code Annotated, Section 54-5-403, is amended by deleting the section in its entirety and by substituting the following language:

(a) To facilitate the development and expansion of industry and to provide access to industrial areas, the department is authorized to use any powers granted to it under current law and this part to develop and construct industrial highways and industrial railways when there is a finding made jointly by the department and the department of economic and community development that the industrial highways or industrial railways are an appropriate and cost-effective means to secure the development of an industrial site or park.

(b) Municipalities are authorized to use any powers granted to them under current law or this part to participate in the construction and maintenance of the industrial highways or industrial railways.

(c) Each municipality shall be responsible for the maintenance of any industrial highway within the area of its jurisdiction.

(d) Any industrial highways constructed under this part may be designated as controlled-access highway under chapter 16 of this title.

SECTION 4. Tennessee Code Annotated, Section 54-5-404, is amended by deleting the section in its entirety and by substituting the following language:

The department is authorized to enter into agreements with municipalities regarding the acquisition of rights-of-way adequate for present and foreseeable needs and the proportion of preliminary engineering, design, and construction costs to be paid by the state and by the municipality.

SECTION 5. Tennessee Code Annotated, Section 54-5-405, is amended by deleting subsection (a) in its entirety and by substituting the following language:

(a) The state shall not share in the cost of constructing any part of an industrial highway or industrial railway within an industrial site, industrial park, or privately owned tract of land, unless the part of the industrial highway or industrial railway links a highway or railway serving areas beyond the industrial site, industrial park, or privately owned tract of land, in which case the rights-of-way or easements shall be conveyed to the state or municipality, as in the case of other highways or publicly owned railways.

SECTION 6. Tennessee Code Annotated, Section 54-5-406, is amended by deleting subsection (a) in its entirety and by substituting the following language:

(a) In effectuating the purposes of this part, the department is authorized to use highway funds not specifically allotted by legislative action to other categories of highway construction and maintenance; and for the purpose of developing and constructing any industrial railway, the department is also authorized to use funds received from the sale of fuels used for railways and allocated to the transportation equity trust fund established in § 67-6-103(b) that are not otherwise specifically allotted by legislative action to other categories of railway construction and maintenance.

SECTION 7. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.