

HOUSE BILL 1490

By Carr D

AN ACT to amend Tennessee Code Annotated, Section 54-7-201, relative to the placement of utilities and other obstacles or obstructions in county roads or county road rights-of-way.

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

SECTION 1. Tennessee Code Annotated, Section 54-7-201(a), is amended by deleting the language “to remove or cause to be removed any fence, gate, or other obstruction from the roads, bridges and ditches of the county and to clean out and clear all fences and ditches along or adjacent to the county roads” and by substituting instead the language “to remove, cause to be removed, clean out, and clear all fences, gates and other obstructions upon, within, below, along or adjacent to the county roads and county road rights-of-way”.

SECTION 2. Tennessee Code Annotated, Section 54-7-201(b), is amended by deleting the language “places or maintains” and by substituting instead the language “places, causes to be placed or maintains”.

SECTION 3. Tennessee Code Annotated, Section 54-7-201(b), is further amended by deleting the language “upon the right-of-way of any county road” and by substituting instead the language “upon, within, below, along or adjacent to a county road or county road right-of-way”.

SECTION 4. Tennessee Code Annotated, Section 54-7-201(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c)

(1) Notwithstanding subsection (b) or any other law to the contrary, a utility may only be placed upon, within, below, along or adjacent to a county road or the county road right-of-way under the direction and with the permission of the chief administrative officer of the county highway department. The chief

administrative officer of the highway department shall also be notified prior to the commencement of any work related to maintenance or removal of a utility. County legislative bodies are authorized to enact regulations governing the installation, maintenance and removal of utilities upon, within, below, along or adjacent to a county road or the county road right-of-way. As part of the regulations, counties may require utilities to obtain a permit, and pay a permit fee, prior to performing work within the county road or county road right-of-way. Permit fees shall be reasonable and set at a rate which serves only to recover the county's administrative and personnel costs related to the permitting system. Installations, maintenance, or removal of utilities upon, within, below, along or adjacent to a county road or the county road right-of-way shall be done in compliance with all applicable regulations, including any permitting requirements, of the county. County highway departments shall not be liable for damage to utilities installed after July 1, 2014, and that are not installed in accordance with this subsection (c). County highway departments shall not be liable for damage to any utilities not maintained or removed in accordance with this subsection.

(2) For purposes of this section:

(A) "County road" and "county road right-of-way" includes the road surface, bridges, ditches, culverts, shoulders, and other appurtenances that are incidental to the county road or county road right-of-way; and

(B) "Utility" means any line, system or facility used for producing, storing, conveying, transmitting, or distributing communications, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam, sewerage and other underground facilities.

SECTION 5. This act shall take effect July 1, 2014, the public welfare requiring it.