

**STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL**

March 9, 2018

Opinion No. 18-09

Municipal Enforcement of Traffic Laws on Interstate Highways

Question

Tennessee Code Annotated § 55-10-308(f) provides that “[n]o municipality having a population of ten thousand (10,000) or less . . . and with at least two (2) entrance ramps and at least two (2) exit ramps from an interstate highway shall be authorized to enforce chapter 8 of this title and §§ 55-10-101 – 55-10-310 when the contiguous stretch of the interstate highway between such entrance and exit ramps does not lie solely within the territorial limits of the municipality.” If the stretch of interstate highway between a municipality’s two entrance and two exit ramps includes a portion in which only one lane of the interstate is within the boundaries of the municipality, is that stretch of interstate a “contiguous stretch of the interstate highway” that lies “solely within the territorial limits of the municipality”?

Opinion

No. If the stretch of interstate highway that lies between a small municipality’s two entrance and two exit ramps includes a portion where only one lane of the interstate highway is within the boundaries of the municipality, that stretch of interstate highway, even if “contiguous,” would “not lie solely within the territorial limits of the municipality.” Thus, Tenn. Code Ann. § 55-10-308(f) would preclude the municipality from enforcing chapter 8 of title 55 or §§ 55-10-101 to 55-10-310 on that stretch of interstate highway.

ANALYSIS

Chapter 8 of title 55 of the Tennessee Code establishes the “rules of the road” for motor vehicles operated on Tennessee’s highways. Tennessee Code Annotated § 55-10-308(b) provides that “[w]here chapter 8 . . . and §§ 55-10-101 – 55-10-310 apply to territory within the limits of a municipality,”¹ the municipality has “the primary responsibility for enforcing” those laws. Notwithstanding that general rule, certain smaller municipalities may enforce the rules of the road on interstate highways located within their territorial limits only if the municipality’s legislative body authorizes such enforcement and the municipality complies with rules promulgated by the Commissioner of Safety. *See* Tenn. Code Ann. § 55-10-308(c). Moreover, of particular relevance here, no municipality with a population of 10,000 or less with at least two entrance ramps and two exit ramps from an interstate highway “shall be authorized to enforce” the rules of the road “when

¹ Tenn. Code Ann. §§ 55-10-101 to 55-10-310 establish additional rules related to traffic accidents and prescribe criminal penalties and enforcement procedures for violations of those and other rules of the road.

the contiguous stretch of the interstate highway between such entrance and exit ramps does not lie solely within the territorial limits of the municipality.” *Id.* § 55-10-308(f).

Whether subsection (f)’s prohibition on municipal enforcement “when the contiguous stretch of the interstate highway . . . does not lie solely within the territorial limits of the municipality” would apply when the stretch of interstate highway between a municipality’s two entrance and exit ramps includes a portion in which only one lane of the interstate highway is within the boundaries of the municipality is a question of statutory construction. The first step in construing a statute is to “look . . . at the plain language.” *Spires v. Simpson*, --- S.W.3d ---, 2017 WL 6602434, *7 (Tenn. Dec. 27, 2017). If the plain language of the statute is ambiguous, only then is it appropriate to examine “the broader statutory scheme, the history of the legislation, or other sources.” *Id.* (quoting *In re Music City RV, LLC*, 304 S.W.3d 806, 810 (Tenn. 2010)).

The plain language of subsection (f) unambiguously prohibits a municipality with a population of less than 10,000 from enforcing the rules of the road when the stretch of interstate highway between its two entrance and exit ramps includes a portion in which only one lane of the highway is located within the municipality. Section 55-10-308(a)(1) defines the term “[i]nterstate highway” to mean “a portion of any highway designated and known as part of the national system of interstate and defense highways.” The term “highway” is also defined for purposes of § 55-10-308 and various other provisions to mean “the entire width between the boundary lines of every way when any part thereto is open to the use of the public for purposes of vehicular travel.” Tenn. Code Ann. § 55-8-101(29) (defining the term “highway” as used in chapter 8 and parts 1-5 of chapter 10 of title 55). While the latter definition of “highway” contemplates that the highway constitutes “the entire width” of the highway and not merely one lane, *id.* § 55-8-101(29), the term “interstate highway” includes “a portion of any highway,” *id.* § 55-10-308(a)(1).

The other pertinent statutory language, subsection (f), provides that municipal enforcement is prohibited when “the contiguous stretch of the interstate highway between [the] entrance and exit ramps does not lie solely within the territorial limits of the municipality.” Tenn. Code Ann. § 55-10-308(f). The term “contiguous” is not defined in the statute, but dictionaries define the term to mean, in this context, “next or together in sequence,” New Oxford American Dictionary 375 (3d ed. 2010), or “[c]onnecting without a break,” American Heritage Dictionary of the English Language (5th ed. 2018). If the stretch of interstate highway that lies between the municipality’s two entrance and exit ramps is connected without a break, then it is a “contiguous stretch of interstate highway” within the meaning of subsection (f).

Even when the stretch of interstate highway between a municipality’s entrance and exit ramps is “contiguous”—that is, connected without a break—municipal enforcement is prohibited if that “contiguous stretch of interstate highway . . . does not lie solely within the territorial limits of the municipality.” Tenn. Code Ann. § 55-10-308(f). The term “solely” means “[e]ntirely; exclusively.” American Heritage Dictionary of the English Language (5th ed. 2018). An unbroken stretch of interstate highway that includes a portion in which only one lane is located within the municipality would be “contiguous” within the meaning of subsection (f), but it would not “lie solely within the territorial limits of the municipality” because the entire stretch is not located exclusively within the municipality.

The legislative history of subsection (f) reinforces this conclusion. Senator Niceley, the sponsor of the Senate bill that contained subsection (f) and other amendments to Tenn. Code Ann. § 55-10-308, explained to the Senate Transportation and Safety Committee during discussion on that bill that, for a small municipality to enforce the rules of the road on an interstate highway, “all the land between [the municipality’s] exits has to be in the municipality.” *Hearing on S.B. 1947 Before the Senate Transportation and Safety Committee*, 108th Gen. Assem. (Mar. 19, 2014) (statement of Sen. Frank Niceley); *see also id.* (explaining that “all the land from one exit to the other would have to be inside the municipality”). Senator Niceley gave a similar explanation during debate on the bill before the full Senate, stating that, to enforce the rules of the road on an interstate highway, a small municipality “has to have at least two interstate exits and own all the land between the two.” *Hearing on S.B. 1947 Before the Senate*, 108th Gen. Assem. (Mar. 31, 2014) (statement of Sen. Frank Niceley).

In sum, if the stretch of interstate highway between a small municipality’s two entrance and two exit ramps includes a portion in which only one lane of the highway is located within the municipality, subsection (f) would prohibit the municipality from enforcing the rules of the road on that interstate highway because it does not “lie solely within the territorial limits of the municipality.” Tenn. Code Ann. § 55-10-308(f).

HERBERT H. SLATERY III
Attorney General and Reporter

ANDRÉE SOPHIA BLUMSTEIN
Solicitor General

SARAH K. CAMPBELL
Special Assistant to the Solicitor
General and the Attorney General

Requested by:

The Honorable Ron M. Gant
State Representative
425 5th Avenue North, Suite 608
Nashville, Tennessee 37243