

STATE OF TENNESSEE
OFFICE OF THE
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Opinion No. 05-105

Tennessee Department of Transportation's Authority as to Speed Limits on Interstate Highways

QUESTIONS

1. Under what authority can the Tennessee Department of Transportation change the speed limits on Tennessee interstate highways from the parameters set out in Tenn. Code Ann. §§ 55-8-152 and 55-8-153?

2. Does the Tennessee Department of Transportation have the authority to set differential speed limits for cars and tractor trailers?

OPINIONS

1. Tenn. Code Ann. §§ 55-8-152 and 55-8-153 expressly authorize the Tennessee Department of Transportation (the Department) to lower the speed limits on Tennessee interstate highways that are prescribed in those statutes whenever and wherever the Department shall determine that public safety requires a lower speed limit.

2. The Department has the authority to set speed limits on roadways designated as being on either the state system of highways or the state system of interstate highways, as provided by Tenn. Code Ann. §§ 55-8-152 and 55-8-153. It is the opinion of this office that the Department, having the express authority to lower the speed limits prescribed in those statutes as the Department deems appropriate due to concerns regarding roadway or traffic conditions, has the authority to set different speed limits for cars and vehicles commonly identified as tractor trailers whenever and wherever the Department shall determine, upon the basis of an engineering or traffic investigation, that public safety requires a lower speed limit for either cars or tractor trailers.

ANALYSIS

1. Tenn. Code Ann. § 55-8-152(h) authorizes the Department of Transportation to set speed limits on Tennessee interstate highways. That statute provides:

Notwithstanding any provision of law or regulation to the contrary, only the department of transportation has the authority to set speed limits on access-controlled roadways designated as being on the state system of highways and on roadways designated as being on the state system of interstate highways.

Tenn. Code Ann. § 55-8-153(a) empowers the Department of Transportation to lower the speed limits set by Tenn.Code Ann. § 55-8-152 when the Department determines that public safety requires a lower speed limit. Section 55-8-153(a) provides:

The department of transportation is empowered to lower the speed limits prescribed in § 55-8-152 in business, urban or residential districts, or at any congested area, dangerous intersection or whenever and wherever the department shall determine, upon the basis of an engineering and traffic investigation, that the public safety requires a lower speed limit.

Section 55-8-152(f)(1)(A) grants the Department additional authority to reduce speed limits on the state system of roads and highways “as it deems appropriate” and specifically provides:

Notwithstanding any provision of this section to the contrary, the department is authorized to lower the speed limits prescribed in this section, and on the state system of roads and highways, as it deems appropriate due to concerns regarding the roadway, traffic, or other conditions. Such authorization to reduce the speed limits set by this section shall be in addition to the authority conveyed by § 55-8-153.

These statutes expressly authorize the Department of Transportation to lower the speed limits prescribed in Tenn. Code Ann. § 55-8-152 for Tennessee interstate highways.

2. The Department has the authority to set speed limits on roadways designated as being on either the state system of highways or the state system of interstate highways, as provided by Tenn. Code Ann. §§ 55-8-152 and 55-8-153. It is the opinion of this office that the Department, having the express authority to lower the speed limits prescribed in those statutes as the Department deems appropriate due to concerns regarding roadway or traffic conditions, has the authority to set different speed limits for cars and vehicles commonly identified as tractor trailers whenever and wherever the Department shall determine, upon the basis of an engineering or traffic investigation, that public safety requires a lower speed limit for either cars or tractor trailers.

The authority of the Department to set speed limits for tractor trailers, as “motor carriers of property,” is not restricted by federal law. 49 U.S.C.A. § 14501(c)(2(A); *see also City of Columbus v. Ours Garage and Wrecker Service, Inc.*, 536 U.S. 424, 122 S.Ct. 2226, 153 L.Ed.2d 430 (2002).

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