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Sequence Number: 09-27-19
 Notice ID(s): 3016
 File Date: 9/27/19

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Technological University
Division:	
Contact Person:	Dr. Claire Stinson, Vice President for Planning and Finance
Address:	1 William L. Jones Drive, Cookeville, TN, 38505
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Kerri Demeri, Director of Auxiliary Services
Address:	1 William L. Jones Drive, Cookeville, TN, 38505
Phone:	931-372-3302
Email:	kdemeri@tntech.edu

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	1000 North Dixie Ave.		
Address 2:	Roaden University Center Room 282		
City:	Cookeville		
Zip:	38505		
Hearing Date :	12/05/2019		
Hearing Time:	1:30 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-09-03	Parking, Traffic, and Safety Enforcement
Rule Number	Rule Title
0240-09-03-.01	Definitions
0240-09-03-.02	General Provisions
0240-09-03-.03	Parking Areas and Zones Enforcement

Chapter Number	Chapter Title
0240-09-03	Parking, Traffic, and Safety Enforcement
Rule Number	Rule Title
0240-09-03-.04	Fines
0240-09-03-.05	Motor Vehicle Operation
0240-09-03-.06	Traffic and Parking Citation Disputes and Appeals
0240-09-03-.07	Liability for Theft or Damage

Rules of
Tennessee Technological University, Cookeville

Chapter 0240-09-03
Parking, Traffic, and Safety Enforcement

Amendments

Rule 0240-09-03-.02 General Provisions is amended by deleting reference to "Tennessee Tech Police Department" in paragraphs (2), (6), (9), and (10), approval authority changed from "Tennessee Tech Police Department" to "Tennessee Tech" in paragraphs (7) and (8), adding "All visitors must request a parking permit" in paragraph (2), changing "policy" to "rule" and "rule" to "policy" in paragraph (1), and "disabled" is changed to "non-operative" in paragraph (7), so that as amended, 0240-09-03-.02 shall read as follows:

0240-09-03-.02 General Provisions

- (1) Tennessee Tech will regulate the use and/or parking of all Motor Vehicles on the campus in accordance with this rule and any applicable policy, regulation, ordinance, or statute.
- (2) All employees and students must register Motor Vehicle(s) and purchase a parking permit in order to park on Tennessee Tech property. All visitors must request a parking permit. Motor Vehicles that are parked on campus without a current parking permit may be issued a parking citation for the violation.
- (3) Parking citations are the responsibility of
 - (a) the registered owner of the parking permit and the user of the parking permit; or
 - (b) the registered owner of the vehicle in cases where no permit has been issued.
- (4) Moving violations will be charged to the operator of the Motor Vehicle at the time of the violation.
- (5) No individual is allowed to give, transfer, furnish, or sell a Tennessee Tech parking permit to another individual.
- (6) Motor Vehicles are to be parked within two (2) marked lines and not protruding into another marked space. Violations of this type may result in a citation being issued.
- (7) Non-operative vehicles will not be permitted to remain on campus beyond seven (7) days without written approval from Tennessee Tech.
- (8) Trailers and boats cannot be parked on campus without prior written approval from Tennessee Tech.
- (9) Motor Vehicles or other means of conveyance parked in such a way as to create a traffic hazard, including, but not limited to, blocking dumpsters, wheelchair ramps, sidewalks, crosswalks, and other parked vehicles may be cited for illegal parking and/or may be towed or impounded at the owner's expense.
- (10) Motor Vehicles not displaying a parking permit during zoned parking enforcement may be restrained by Tennessee Tech with a wheel lock in order to identify the owner/operator of the Motor Vehicle during the times of zoned parking.
- (11) Repeated Citations
 - (a) Repeated and/or flagrant parking violations may result in the Motor Vehicle being towed at the owner's expense.
 - (b) Tennessee Tech may revoke an individual's parking privileges for repeated and flagrant parking violations.

Authority: T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-8-101(a)(2)(A).

Rules of
Tennessee Technological University, Cookeville

Chapter 0240-09-03
Parking, Traffic, and Safety Enforcement

Amendments

Rule 0240-09-03-.03 Parking Areas and Zones Enforcement is amended by deleting reference to "Tennessee Tech Police Department" in paragraphs (1), (4), (5), (6), (7) and subparagraph (8)(a) and new paragraph (9)a. Subparagraph (9)a is amended by deleting "Visitor permits allow an individual to park in the visitor parking when available or the perimeter (purple) color-coded lots on the campus. These permits can be obtained at the Tennessee Tech Police Department twenty-four (24) hours a day" and adding "Tennessee Tech will designate parking areas for use by visitors. Tennessee Tech will publish information on obtaining visitor permits and designated parking areas on its website.", paragraph (9)(b) is deleted, and remaining subparagraph re-lettered accordingly. In paragraphs (1), (2), (6), and (7) the time reference of "am" is changed to "a.m." and "pm" changed to "p.m.". Paragraph (2) is changed to include "with the exception of Residence Hall, Tech Village, and reserved parking zones/spaces", so that as amended, 0240-09-03-.03 shall read as follows:

0240-09-03-.03 Parking Areas and Zones Enforcement

- (1) Parking areas are marked by color-coded signs that match the color-coded permits indicating the zone in which a Motor Vehicle may be parked. Zone restrictions are effective and enforced from 7:30 a.m. to 4:30 p.m. Monday through Friday during times when classes are in session.
- (2) Zone restrictions are not enforced after 4:30 p.m. with the exception of Residence Hall, Tech Village, and reserved parking zones/spaces. Motor Vehicles parked on campus after 4:30 p.m. Monday through Friday when classes are in session must have a parking permit displayed.
- (3) No permit is required when classes are not in session.
- (4) Residence halls and Tech Village parking zones are reserved for Motor Vehicles displaying the residential parking permits and are enforced twenty-four (24) hours a day. Visitors to residents of Tech Village are permitted to park at the Tech Village community center.
- (5) Reserved spaces, including, but not limited to, the President, Police, Facilities, Residential Life Faculty Head, and Hall Directors, are reserved and enforced twenty-four (24) hours a day.
- (6) Tennessee Tech enforces parking in visitor spaces from 7:30 a.m. to 4:30 p.m. Monday through Friday when classes are in session. These spaces are for visitors to Tennessee Tech and employees and students cannot park in those spaces during this period.
- (7) Tennessee Tech enforces parking in thirty (30) minute zones from 7:30 a.m. to 4:30 p.m. Monday through Friday when classes are in session and are available to anyone for the time allotted.
- (8) Disabled Parking
 - (a) Tennessee Tech enforces parking in disabled parking spaces twenty-four (24) hours a day. These reserved spaces are for individuals that have been issued a state disabled placard or license plate.
 - (b) The individual to whom the license plate or placard has been issued must be using the Motor Vehicle in order for the Motor Vehicle to be parked in the disabled space. Tennessee Tech will charge the owner of the parking decal or registered owner of the Motor Vehicle the maximum fine allowed by law for improper use of a disabled placard or license plate.
 - (c) Individuals that have been issued a state placard or license plate for disabled parking may purchase a Tennessee Tech disabled parking permit. This permit allows the individual to park in any legal parking space on campus, should a disabled space not be available.

(d) Pursuant to T.C.A. § 55-21-108, fines for violating the disabled parking law cannot be suspended or waived.

(9) Temporary and visitor parking permits

(a) Campus visitor permits are required for visitors to park on campus Monday through Friday when classes are in session. Tennessee Tech will designate parking areas for use by visitors. Tennessee Tech will publish information on obtaining visitor permits and designated parking areas on its website.

(b) Tennessee Tech may issue a temporary parking permit to individuals who have a parking permit on file and who have lost, misplaced, etc. the original hang tag.

Authority: T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-8-101(a)(2)(A).

Rules of
Tennessee Technological University, Cookeville

Chapter 0240-09-03
Parking, Traffic, and Safety Enforcement

Amendments

Rule 0240-09-03-.04 Fines is amended by changing the provision title to "Parking Violations Fines" and including a public notice and comment requirement. The generic reference of "institution" is changed to "Tennessee Tech" where applicable so that as amended, 0240-09-03-.04 shall read as follows:

0240-09-03-.04 Parking Violation Fines

- (1) Fines may be set as determined by Tennessee Tech, but shall not exceed the amounts set by state/county/municipal ordinance for the same offense. Such fines are subject to the prior review and approval of the Tennessee Tech Board of Trustees. Proposed fines shall be submitted to the Tennessee Tech Board of Trustees together with information sufficient to justify the fine. Such information shall include consideration of state/county/municipal fines for the same offense, fines for the same offense at similarly situated institutions, association to enforcement costs at Tennessee Tech, and/or the unique traffic/parking considerations at Tennessee Tech. The public will receive notice and be allowed to comment on the proposed fines. Once adopted or amended, all fines shall be published on Tennessee Tech's webpage.

Authority: T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-8-101(a)(2)(A).

Rules of
Tennessee Technological University, Cookeville

Chapter 0240-09-03
Parking, Traffic, and Safety Enforcement

Amendments

Rule 0240-09-03-.05 Motor Vehicle Operation is amended by changing "policy" to "rule" in paragraph (1) and making a stylistic change in paragraphs (2) and (4). The term "e.g." is changed to "included but not limited to" in paragraph (5) so that as amended, 0240-09-03-.05 shall read as follows:

0240-09-03-.05 Motor Vehicle Operation

- (1) Operators of Motor Vehicles on Tennessee Tech property must obey all traffic rules, regulations, postings, or directions, regardless of whether the rule, regulation, posting, or direction is included in this rule.
- (2) The speed limit on all Tennessee Tech streets as well as city streets running through Tennessee Tech are enforced by the Tennessee Tech Police Department. Violations may result in the operator of the Motor Vehicle receiving a speeding citation by Tennessee Tech Police.
- (3) The reckless operation of a Motor Vehicle on the Tennessee Tech campus including, but not limited to, squealing tires, sliding the Motor Vehicle, and operating the Motor Vehicle at a high rate of speed are serious safety hazards and strictly prohibited. Operators may be issued a citation by Tennessee Tech Police as well as face disciplinary action for a violation of this nature.
- (4) Operators of Motor Vehicles are prohibited from overtaking/passing another Motor Vehicle in operation on streets within the Tennessee Tech campus. Violations may result in the operator of the Motor Vehicle receiving a citation from Tennessee Tech Police.
- (5) Operators of Motor Vehicles must observe and obey all traffic control devices (including but not limited to STOP signs or traffic lights). Failure to do so may result in the operator of the Motor Vehicle receiving a citation from Tennessee Tech Police for the violation.
- (6) Operators of Motor Vehicles must yield the right of way and come to a complete stop for pedestrians in the crosswalks. Operators of Motor Vehicles must also show due care for all pedestrian traffic while operating a Motor Vehicle on the Tennessee Tech campus. Failure to do so may result in the operator of the Motor Vehicle receiving a citation for the violation from Tennessee Tech Police.
- (7) Operators of Motor Vehicles must pull to the edge of the roadway and come to a complete stop to yield the right of way to emergency vehicles displaying active lights and/or sirens. Failure to do so may result in the operator of the Motor Vehicle receiving a citation for the violation from Tennessee Tech Police.
- (8) Individuals riding bicycles on the Tennessee Tech campus must observe and obey all traffic control devices on all Tennessee Tech and city streets within the Tennessee Tech campus. Failure to do so may result in the operator of the bicycle being issued a citation for the violation by Tennessee Tech Police.

Authority: T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-8-101(a)(2)(A).

Rules of
Tennessee Technological University, Cookeville

Chapter 0240-09-03
Parking, Traffic, and Safety Enforcement

Amendments

Rule 0240-09-03-.06 Traffic and Parking Citation Disputes and Appeals is amended by deleting paragraphs (3) and (4) and the remaining paragraphs are re-numbered accordingly. Paragraph (2) is changed by adding "faculty, staff, or visitor" to the first sentence after "student", adding "Tennessee Tech student, faculty, staff, and visitors will be notified in writing of the Committee's decision. Tennessee Tech will publish procedures for appealing citations on its website". "Student Traffic Appeals Committee" is changed to "designated student citation appeals committee" in paragraph (2) and new paragraph (3) and "Faculty and Staff Traffic Appeals Committee" is changed to "designated faculty, staff, and visitor citation appeals committee" in new paragraph (3). The final decision maker is changed from the "Vice President for Student Affairs" to "designated administrator" in new paragraphs (4) and (5), so that as amended, 0240-09-03-.06 shall read as follows:

0240-09-03-.06 Traffic and Parking Citation Disputes and Appeals

- (1) Officers of the Tennessee Tech Police Department may issue citations for violations under certain circumstances in either Cookeville City Court for violations of city ordinances or Putnam County General Sessions Court for violations of state laws. Individuals that receive a City Court or General Sessions Court citation must either appear in court on the court date listed on the citation or pay the citation fine if appearance in court is not required.
- (2) Any Tennessee Tech student, faculty, staff, or visitor who has received a Tennessee Tech parking citation may appeal the citation within fifteen (15) business days of the date of issue to the designated citation appeals committee. Tennessee Tech student, faculty, staff, and visitors will be notified in writing of the Committee's decision. Tennessee Tech will publish procedures for appealing citations on its website.
- (3) The designated student citation appeals committee will meet regularly during the Fall and Spring semesters. Students will be notified in writing of the Committee's decision. The designated faculty, staff, and visitor appeals committee will meet once in the Fall semester and once in the Spring semester, absent good cause. Tennessee Tech employees and visitors will be notified in writing of the Committee's decision.
- (4) The citation appeals committee decisions may be appealed to a designated administrator who is not affiliated with the respective citation appeals committee. A written appeal must be submitted with all relevant documentation attached within five (5) business days of the notification of the appropriate committee's decision. Tennessee Tech will publish procedures for appealing a citation appeals committee decision on its website.
- (5) The designated administrator will communicate his/her decision in writing to the individual making the appeal within five (5) business days after receiving the written appeal along with all relevant documentation. The decision of the designated administrator is final.

Authority: T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-8-101(a)(2)(A).

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

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Date: 9/25/2019

Signature: *Clare Stinson*

Name of Officer: Clare Stinson

Title of Officer: Vice President for Planning & Finance

Subscribed and sworn to before me on: 9-25-19

Notary Public Signature: Catherine M. Wallace

My commission expires on: March 21, 2023



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Filed with the Department of State on: 9/27/19

Tre Hargett

Tre Hargett
Secretary of State