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Traffic Control & Safety Regulations

Dear Reader:

The following document was created from the Municipal Technical Advisory Services website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website shares information relative to Tennessee municipal government. We hope this information will be useful to you and that it will assist you with questions that arise in your tenure in municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

The Municipal Technical Advisory Service (MTAS) was created in 1949 to provide technical assistance to elected and appointed municipal officials in Tennessee. We are a resource for Tennessee municipal officials in areas of municipal government, human resources, finance, fire, legal, police, public works, water, and wastewater. We provide personal and professional knowledge growth opportunities on current issues within municipal government.

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Table of Contents

Traffic Control & Safety Regulations	3
Regulating Jake Brakes	4
Unmanned Traffic Enforcement Cameras	5

Traffic Control & Safety Regulations

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Traffic-control Lights

The design of traffic lights is established by state law. Green means go, yellow means caution, and red means stop. All lights must have a uniform arrangement of colored lenses. In vertical lights, red lenses must be above yellow and green lenses. In horizontal lights, red lenses must be to the left of yellow and green. Yellow lenses must be between red and green lenses. Yellow lights must show for at least three seconds, and a city is responsible for setting timers on city-owned lights to comply with this requirement. Right turns during red lights are permitted unless a "NO TURNS ON RED" sign is posted by the city. After a full stop, a left turn may be made during a red light onto a one-way street where traffic moves to the left if a sign granting permission is in place. Motorcycle operators may proceed through an intersection red light after stopping and ascertaining that this can be done safely if the light is controlled by a vehicle detection device that is not activated because of the size of the motorcycle. T.C.A. § 55-8-110.

Traffic-control Signs

Municipalities must comply with the Manual on Uniform Traffic-Control Devices for Streets and Highways, which contains requirements for the design and location of signs, signals, and markings. The manual also spells out rules for posting traffic regulations on or along all streets and highways. T.C.A. § 54-5-108.

To indicate ownership, any local government agency may stamp, etch, or otherwise permanently mark the backs of signs, signals, etc., with letters between one-quarter and three-quarters of an inch high. T.C.A. § 55-8-184.

Pedestrian Traffic

Cities may by ordinance require pedestrians to comply with traffic control devices and prohibit crossing a business district street or a designated highway except at crosswalks. T.C.A. § 55-8-133.

Child and Passenger Safety Restraints – Motor Vehicles

T.C.A. § 55-9-602 sets out complicated requirements based upon age, weight, and height for persons transporting children in motor vehicles to follow in restraining them. The statute creates an exception for children unable to be transported in a conventional restraint. Municipalities are expressly authorized to adopt by ordinance the provisions of T.C.A. § 55-9-602.

T.C.A. § 55-9-603 provides that no person shall operate a motor vehicle in Tennessee unless that person and all passengers four years of age or older are restrained by a safety belt at all times when the vehicle is in forward motion. There are exemptions for certain types of vehicles and vehicles traveling at a top speed of 15 mph. This statute provides that it applies only to the operator and all passengers occupying the front seat of a passenger motor vehicle. However, T.C.A. § 55-9-602 apparently supersedes T.C.A. § 55-9-603 with respect to children through age 15. A violation of T.C.A. § 55-9-602 is a Class C misdemeanor, but offenders may, in lieu of a court appearance, pay a fine of \$10 for the first offense. If the vehicle operator or passenger is between the ages of 9 and 15, inclusive, the fine in lieu of a court appearance is \$50. Clerks' fees, court costs and litigation taxes also are prohibited for convictions for violations involving children ages 9 through 17.

A violation of T.C.A. § 55-9-603 also is a Class C misdemeanor. A person charged with a violation may, instead of appearing in court, submit a fine of \$30 for the first violation and \$55 for second and subsequent violations.

Law enforcement officers observing a violation of T.C.A. § 55-9-603 should issue a citation but not arrest a person solely for a violation of this law.

Helmets for Minors on Off-road Vehicles

It is a Class C misdemeanor for a parent or guardian of a minor to allow the minor to ride on an ATV, dune buggy, snowmobile, or dirt bike without a helmet in most circumstances. A law enforcement officer witnessing a violation must obtain the name and address of the parents/guardians and issue a mail citation, or, if the parent/guardian is operating the vehicle, the citation must be issued directly. Municipalities may adopt the statute by reference as an ordinance violation. T.C.A. §§ 55-52-201, 202.

Railroad Crossings Protection

T.C.A. § 55-8-146 provides that municipalities may erect stop signs at dangerous railroad crossings with the approval of the state Department of Transportation. It was also held by the Tennessee Supreme Court in *Southern Railway Co. v. Knoxville*, 223 Tenn. 90, 442 S.W.2d 619 (1968), that a general grant of police power empowers a municipality to require by ordinance a railroad to pay for and install crossing gates or signals if they are reasonably required to protect motorists. However, T.C.A. § 65-11-113 authorizes the state, at the expense of the railroad, the state, and the municipality, to require railroads to install certain markings and signals at an unmarked crossing where there has been a fatality and where other conditions outlined in that statute exist. The extent to which those statutes and that case may conflict is not clear.

Regulating Jake Brakes

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Tennessee cities may regulate, but not prohibit, the use of engine compression braking devices by ordinance provided that the ordinance conforms to Interstate Motor Carriers Noise Emission Standards as outlined in 49 C.F.R. 325 *et seq.*

T.C.A. § 55-7-117 states that truck tractors and semi-trailers, as defined in T.C.A. § 55-8-101, shall not use an engine compression braking device unless the device is equipped with an operational, approved muffler.

Federal testing procedures for measuring allowable decibel levels of truck tractor and semi-trailers require certified equipment, testing sites, testing procedures, and inspectors. The testing standards are very complex, and most cities do not have the ability to administer such tests. Cities experiencing problems with noise pollution from engine compression devices are advised to use a visual muffler inspection procedure to reduce the noise level from engine compression braking systems.

MTAS recommends that cities desiring to enforce engine compression braking device standards require that truck tractors and semi-trailers comply with the approved muffler requirements of T.C.A. § 55-7-117. Cities may request appropriate highway notice signs from the Tennessee Department of Transportation.

Unmanned Traffic Enforcement Cameras

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Municipal authority to own, install and operate traffic surveillance cameras was hotly contested during the 2011 Tennessee General Assembly. The one bill to emerge from the discussions and eventually pass was Public Chapter No. 425 (HB1500/SB1684), T.C.A. § 55-8-198, that made significant changes to the traffic enforcement camera landscape existing at that time.

Foremost among these changes is the requirement that a municipality conduct a traffic engineering study prior to the installation of a new unmanned traffic enforcement camera. Such a study must be completed in accordance with the standard engineering practices of the Institute of Transportation Engineers (ITE) and certified by a licensed engineer specializing in traffic engineering. A traffic camera vendor is prohibited from conducting the study or even participating in the selection of the engineer. Furthermore, any contract with a vendor must explicitly state that the contract must conform to any changes in state law, including all new and existing contracts, as well as contract renewals occurring after July 1, 2012. T. C. A. § 55-8-198(n). The Attorney General has opined that this requirement is constitutional and does not impair existing contracts. Tenn.Op.Atty.Gen. No. 11-61 (2011); Tenn. Op. Atty. Gen. No. 08-179 (2008).

Also present in the legislation are the hurdles it places on municipalities to ticket vehicles turning right (and left onto a one-way) at red lights. To ticket a vehicle, solely using unmanned camera evidence, for failure to come to a complete stop before turning at a red light, the evidence must clearly show the vehicle with a front tire before the stop line when the signal is red and subsequently show the same vehicle with a rear tire past the stop line while the signal is red. Furthermore, to ticket a vehicle, using solely unmanned camera evidence, for making an unlawful right turn on red, a clearly marked "No Turn on Red" sign must be in place.

With respect to speed cameras, as of July 1, 2015, unmanned traffic enforcement cameras used to monitor speed and issue speeding citations are prohibited except within the designated distance of a marked school zone and any S-curve of a public highway or road. T.C.A. § 55-8-198.

These provisions refer to "unmanned" cameras, but what does it fall within the statute if an officer is present? The Attorney General said no: "Where an officer operates a device, it is not "unmanned" for purposes of Tenn. Code Ann. § 55-8-198, but the mere passive presence of an officer near a traffic enforcement camera that otherwise functions automatically does not remove the device from the ambit of the statute." However, "a camera that is operated by an officer—as, for example, a camera mounted in a patrol car—would not be subject to the restrictions set forth in Tenn. Code Ann. § 55-8-198. Both the purpose and the context of those restrictions, however, counsel against extending this construction to situations in which an officer is present with an automated device, but plays no active role in collecting evidence or issuing a citation. Tenn. Op. Atty. Gen 12-21 (2012).

The bill also changed the procedures for noticing and fining alleged violators. A POST-certified officer must review the evidence, and if a violation is determined, a notice of such must be sent to the alleged violator within 20 days of the occurrence of violation. This notice must state the amount of the fine, which cannot exceed \$50, and also state any additional fees or costs that could result from a failure to pay or from being found guilty after contesting the violation. Violators still have 30 days from the mailing date to pay a citation. Additional fines and costs can be

assessed after this period lapses.

Beware, however, of contacting a collection agency that turns over delinquent accounts to a consumer reporting agency. In 2012, the Legislature adopted this amendment to T.C.A. § 55-8-198 (m)(1):

(A) "Consumer report" and "consumer reporting agency" have the same meanings ascribed to those terms by § 604 of the Fair Credit Reporting Act, codified in 15 U.S.C. § 1681a; and

(B) "Credit report" means any written, oral, or other communication of information, including a consumer report, by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing or credit capacity, which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit to be used primarily for personal, family, or household purposes.

(2) No person having charge, custody of or control over any records or information regarding a violation of this section, including payments made pursuant to receipt of a notice of violation or a citation, whether timely or delinquent, shall disclose these records or information to a consumer reporting agency. In addition, no information regarding a violation shall be disclosed or identified in any credit report.

Text of Public Chapter No. 425 can be found at <http://sharetn.gov.tnsosfiles.com/sos/acts/100/pub/Pubc0425.HTM>.

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