

RESOLUTION 24-12

**A RESOLUTION TO AUTHORIZE THE CITY OF WHITE HOUSE, TENNESSEE, TO COMPLETE AN APPLICATION FOR LICENSE TO INSTALL AND OPERATE LAW ENFORCEMENT AUTOMATED LICENSE PLATE RECOGNITION (ALPR) CAMERAS ON STATE HIGHWAY RIGHTS-OF-WAY**

WHEREAS, pursuant to Tennessee Code Annotated, Section 6-2-201, the Town of White House, Tennessee is authorized to contract and be contracted with, to establish, open, relocate, vacate, alter, public highways, streets, alleys, parks, public facilities, libraries, and squares; and

WHEREAS, pursuant to Tennessee Code Annotated, Section 6-3-106, the Mayor is authorized to perform duties authorized or required by the Board of Mayor and Aldermen; and

WHEREAS, a new state law requires approval by the State of Tennessee Department of Transportation for any installation and operation of Law Enforcement Automated License Plate Recognition (ALPR) cameras on state highway rights-of way; and

WHEREAS, Board of Mayor and Aldermen deem it in the best interest, health, safety, and welfare of the citizens of the City of White House to comply with the new State Law requiring that all ALPR's located in State Right of Way submit an application and obtain a License.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of White House, Tennessee hereby authorize the completion of application for license to install and operate Law Enforcement Automated License Plate Recognition (ALPR) cameras on state highway rights-of way attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption, the public welfare requiring it.

Adopted this 17<sup>th</sup> day of October 2024.

  
\_\_\_\_\_  
John Corbitt, Mayor

ATTEST:

  
\_\_\_\_\_  
Derek Watson, City Recorder



## **Application for License to Install and Operate Law Enforcement Automated License Plate Recognition (ALPR) Cameras on State Highway Right-of-Way**

Pursuant to Tenn. Code Ann. § 55-8-198(f), the Tennessee Department of Transportation (TDOT) is authorized, but not required, to permit law enforcement agencies to install surveillance cameras on State highway right-of-way to aid in criminal investigations or searches for missing or endangered persons. Consistent with this discretionary authority, TDOT will accept applications for the installation of fixed automated license plate recognition (ALPR) cameras on State highway right-of-way but will not accept applications for other types of surveillance cameras. Further, ALPR cameras will only be permitted on the right-of-way if TDOT determines that the ALPR cameras will not impair the continued use, operation, maintenance, and safety of the highway facility and do not interfere with the free and safe flow of traffic.

If an application is approved, the ALPR cameras authorized will be only for the specific brand, make, and model of equipment, and only in the locations specified, in the license agreement. If the law enforcement agency subsequently wishes to relocate a camera or substitute a different brand, make, or model of equipment, a new ALPR application will be required. TDOT reserves the right to revoke any permission granted for ALPR cameras on State highway rights-of-way.

### **Application Process**

#### **STEP 1. Submission of Application to TDOT**

The application and attached documents should be e-mailed to TDOT at: [TDOT.ExcessLand@tn.gov](mailto:TDOT.ExcessLand@tn.gov) using the Subject Line: **ALPR Application [Agency Name]**. *Failure to use the subject line may result in a delay in application processing.*

#### **NOTE: For Applications Submitted by or on behalf of a Local Law Enforcement Agency:**

A. If the application for ALPR cameras on State highway right-of-way is being submitted by a local law enforcement agency, or by a local government on behalf of local

law enforcement if the local law enforcement agency lacks independent contracting authority, the applicant must first submit the proposal to the applicable local legislative body (city council or county commission) for approval.

B. The applicant must obtain, and provide documentation of, the local legislative body's approval of the proposal before submitting the application to TDOT.

## **STEP 2. Consultation with Tennessee Department of Safety and Homeland Security Regarding Camera and Data Security Requirements**

Upon receipt of the application, TDOT will first consult with the Tennessee Department of Safety & Homeland Security (TDOSHS) for its review and assessment of the following items provided under Section 5 of the application form for compliance with camera manufacturer restrictions and data security requirements:

- A. The law enforcement agency's written ALPR policy, which must include provisions for data privacy, retention of records, and audit logs;
- B. Documentation showing the brand, make, and model of the ALPR camera the applicant proposes to use;
- C. Documentation from the local law enforcement agency demonstrating to the department's satisfaction that:

1. The manufacturer, ALPR camera, or any of the ALPR camera's components are not:

- Produced, assembled, or based in an entity appearing on a sanctions list published under the authority of the United States department of the treasury, office of foreign assets control (<https://ofac.treasury.gov/>);
- Prohibited or restricted under Section 889 of the National Defense Authorization Act (48 CFR 52.204-25);
- Prohibited or restricted under Title 2 of the SECURE Technology Act (Public Law 115-390 of 2018); or
- Prohibited or restricted under United States department of commerce regulations on Information and Communications and Services Supply Chain (15 CFR Part 7); and

2. The manufacturer of and custodian of any data collected by the ALPR camera shall:

- Comply with T.C.A. § 55-10-302;
- Ensure that all aspects of the manufacturer's and custodian's data services, data retention, information technology, or other internal data management processes are contained and managed within the United States; and
- Ensure that all data and metadata collected by the ALPR camera are not used for commercial purposes or sold, other than sharing with other law enforcement agencies in the United States as authorized by law.

TDOSHS may request additional information from the applicant through TDOT.

### **STEP 3. Review by the Tennessee Department of Transportation**

A. If TDOT receives a negative assessment from TDOSHS, the TDOT Right-of-Way Division Excess Land Office will notify the applicant stating the reasons for rejecting the application based on non-compliance with the requirements and standards identified in Step 2 above.

B. If TDOT receives a positive assessment from TDOSHS in Step 2, the TDOT Excess Land Office will send the application and attachments to the Regional Right-of-Way Office for the TDOT Region in which the proposed ALPR cameras will be located.

C. The Regional Right-of-Way Office, Traffic Office, and other regional staff will review the request and send a report and recommendation to the Headquarters Right-of-Way Division, Excess Land Office, in Nashville for further review and processing.

D. The Headquarters Excess Land Office will present the request to TDOT's Excess Land Committee for evaluation.

E. If the Excess Land Committee does not recommend approval of the request, the Headquarters Excess Land Office will notify the requester by letter with a copy to the Regional Right-of-Way Office.

F. If the Excess Land Committee recommends approving the request, in whole or part, the Headquarters Excess Land Office will notify the requester by letter. This does not indicate that final approval has been obtained. It simply means that the request is moving forward in the process.

G. An environmental document is prepared if needed. The requester is responsible for the associated costs if a consultant must prepare this document.



H. The request packet and environmental document will be sent to the Federal Highway Administration for concurrence, if applicable (e.g., for proposed installations on an interstate highway).

I. Once all necessary approvals are obtained, the Regional Excess Land Office will send two originals of the license agreement to the requester for signatures. The requester will sign both originals and return them to the Regional Excess Land Office. The Regional Excess Land Office will send both originals to the Headquarters Excess Land Office to be executed by the Commissioner. Once fully executed, one original will be sent to the requester for their records. With the executed license agreement, the requester will have the authorization to install the proposed ALPR cameras.



**Application for License to Install and Operate Law Enforcement Automated License Plate Recognition (ALPR) Cameras on State Highway Rights-of-Way**

1. Name of Requester: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone number: \_\_\_\_\_  
Email: \_\_\_\_\_
2. Name/Address to be on license agreement if different from above:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
3. Contact name and address if different from above:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone number: \_\_\_\_\_  
Email: \_\_\_\_\_
4. Law enforcement ALPR camera installation is being requested by:  
 State law enforcement agency  
 Local law enforcement agency  
 Local government on behalf of local law enforcement

If the request is from a local law enforcement agency, or a local government on behalf of a local law enforcement agency, please attach documentation of the local legislative body's approval of the proposal.

5: The following must be attached to document compliance with camera manufacturer restrictions and data security requirements:

- a.  The law enforcement agency's written ALPR policy, which must include provisions for data privacy, retention of records, and audit logs;
- b.  Documentation showing the brand, make, and model of the ALPR camera the applicant proposes to use;
- c.  Documentation that the manufacturer, ALPR camera, or any of the ALPR camera's components are not:
  - Produced, assembled, or based in an entity appearing on a sanctions list published under the authority of the United States department of the treasury, office of foreign assets control(<https://ofac.treasury.gov/>);
  - Prohibited or restricted under Section 889 of the National Defense Authorization Act (48 CFR 52.204-25);
  - Prohibited or restricted under Title 2 of the SECURE Technology Act (Public Law 115-390 of 2018); or
  - Prohibited or restricted under United States department of commerce regulations on Information and Communications and Services Supply Chain (15 CFR Part 7); and
- d.  Documentation that the manufacturer of and custodian of any data collected the ALPR camera shall:
  - Comply with T.C.A. § 55-10-302;
  - Ensure that all aspects of the manufacturer's and custodian's data services, data retention, information technology, or other internal data management processes are contained and managed within the United States; and
  - Ensure that all data and metadata collected by the surveillance camera are not used for commercial purposes or sold, other than sharing with other law enforcement agencies in the United States as authorized by law; and

6. The following must be attached for each request to install ALPR cameras on state highway right-of-way:

- a.  Exact location(s) of new ALPR camera poles by State Route, Mile Marker, Latitude/Longitude Coordinates, and Distance from edge of pavement; or if the ALPR camera(s) will be installed on existing poles/structures by State Route, Mile Marker, and Latitude/Longitude Coordinates;
  - b.  Aerial exhibit of each proposed location with the exact location designated;
  - c.  Proposed plan for how the ALPR camera(s) will be installed and maintained;
  - d.  Explanation of how the ALPR camera(s) will be powered (no power installation is allowed longitudinally along Interstate highways); and
  - e.  Documented approval from the utility owner if the proposed ALPR camera(s) will be installed on existing utility poles.
7.  Attach proof of public liability insurance or self-insurance.

I certify that the above information is true and accurate to the best of my knowledge.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title