Traffic Control Jurisdiction - Municipalities

Number: AGO 2014-08

Date: August 20, 2014

Subject:
Traffic Control Jurisdiction - Municipalities

Mr. Derek A. Schroth
Attorney for the Town of Lady Lake
600 Jennings Avenue
Eustis, Florida 32726

RE: MUNICIPALITIES – UNIFORM TRAFFIC CONTROL – FEDERAL HIGHWAYS – authority of municipality to control traffic on highway outside of municipal jurisdiction. ss. 316.007 and 316.008, Fla. Stat.

Dear Mr. Schroth:

On behalf of the Town of Lady Lake, you ask substantially the following question:

May a town exercise traffic control over a federal highway or a county highway abutting, but not located within the town's jurisdictional limits?

In sum:

A town does not have traffic control jurisdiction on a federal highway or a county highway which is not located within the town's jurisdictional limits.

Section 316.006(2), Florida Statutes, sets forth the jurisdiction a municipality possesses over streets and highways:

"(a) Chartered municipalities shall have original jurisdiction over all streets and highways *located within their boundaries*, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.
(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, *located within its boundaries* if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement . . . ." (e.s.)

The plain language of the statute limits a municipality's jurisdiction only to roads within the territorial boundaries of the municipality. Moreover, the "Florida Uniform Traffic Control Law"[1] makes clear that the provisions of the chapter are applicable and uniform throughout the state

and that no local authority may enact or enforce any ordinance on a matter covered by the chapter unless expressly authorized to do so.[2]

Section 316.008, Florida Statutes, sets forth the powers of local authorities over the streets and highways under their jurisdiction, including "nonexclusive jurisdiction over the prosecution, trial, adjudication, and punishment of violations of this chapter when a violation occurs within the municipality and the person so charged is charged by a municipal police officer."[3] This office has recognized that a municipality's jurisdiction over streets and highways is limited to those within its geographical boundaries.[4]

Accordingly, it is my opinion that a municipality does not have traffic control jurisdiction over a street or highway which is not located within the jurisdictional boundaries of the municipality.[5]

Sincerely,

Pam Bondi
Attorney General

PB/tals

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[1] Chapter 316, Fla. Stat.

[2] Section 316.007, Fla. Stat.

[3] Section 316.008(2), Fla. Stat.

[4] *See* Ops. Att'y Gen. Fla. 04-13 (2004), 01-06 (2001), 80-100 (1980) (municipality may not exercise police jurisdiction over a federal highway/state road which is contiguous to but not within the corporate limits of the city); 81-41 (1981) (municipality may provide police protection on federal highway/state roads which are physically located within the corporate boundaries of the municipality); 89-57 (1989) (city is authorized to enforce state traffic laws on a state road within the geographical limits of the city even though road itself is not annexed). *But see* Op. Att'y Gen. Fla. 89-36 (1989) (municipality may not enact "anti-cruising" ordinance enforceable on state roads within its boundaries as control and regulation of state roads is vested with DOT).

[5] It is equally clear that a municipality has no authority to enforce traffic laws outside its jurisdictional limits, as discussed in *State v. Williams*, 303 So. 2d 74 (Fla. 3d DCA 1974), *case dismissed*, 314 So. 2d 591 (Fla. 1975).