



County Technical Assistance Service

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Classification of County Public Roads

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county 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.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Classification of County Public Roads

Reference Number: CTAS-842

According to T.C.A. § 54-10-103, the county legislative body is charged with classifying public roads. Before the county legislative body classifies a public road for the county road system, the chief administrative officer of the county highway department is required to submit a detailed listing of all county roads to the legislative body. The listing should include a summary of all changes from the road list previously submitted. More detail about the contents of these reports is discussed below. The chief administrative officer is also to include any suggestions and recommendations for changing road classifications with this report. This section (T.C.A. § 54-10-103) along with several other sections and court cases, concludes that the county legislative body is the proper entity to designate or accept roads as county roads. A road may be a "public" road without being designated as a "county" road by the legislative body. County highway officials may work only on county public roads. They do not have the authority to decide which roads will be county roads. They may only make recommendations to the county legislative body about which roads should be county roads.

The Tennessee Code provides a means by which county officials and any interested citizens can determine exactly which stretches of road are county roads. After receiving reports and recommendations of the highway superintendent, the county legislative body is required to make and maintain a list of all county roads, classify the roads according to width, and then file that list in the county clerk's office. Those code sections relating to the road lists are very old and some counties have not kept an up-to-date road list. In the past, there was less need for the road list, but since the passage of the County Uniform Highway Law (CUHL), that list has become vital for the protection of highway officials. With an up-to-date road list on file, highway officials will know exactly which roads they can maintain and which roads they cannot legally work on. Interested citizens will also have a means of finding out which roads may be maintained by the county. The road list should be amended on an on-going basis throughout the year to ensure it accurately reflects the current inventory of county roads. T.C.A. § 54-10-103.

One major purpose of the road list is to protect the highway officials. For that reason, it is very important not to begin work on a road until it has been officially classified by the legislative body and added to the county road list. In this regard, there may be some confusion in counties that have a planning commission. In such counties, road approval by a planning commission is one step in the acceptance process, but that alone is not enough to make a road a county road. A road is not a county road until the county legislative body has formally classified it, regardless of the action taken by the planning commission. For their own protection, highway officials should not begin work on any road approved by the planning commission until it has also been accepted through the classification process by the county legislative body. T.C.A. § 13-3-406.

The county legislative body is responsible for updating and maintaining the county road list, based on the information and recommendations of the chief administrative officer. The road list is not extremely difficult to compile. It should contain eight (8) items of information regarding each road on the list:

1. Type of road (county or state-aid road)
2. State-aid road description (only for county roads included in the state-aid road system)
3. Local name of road
4. Beginning and ending point of road (describe by reference to geographical features)
5. Miles (length of road to nearest 1/10 mile)
6. Class (classify according to width as set out in T.C.A. §§ 54-10-103 and 54-10-104)
7. Right of way width (in feet)
8. Roadbed width (in feet)

T.C.A. §§ 54-10-103, 54-10-104.

Frequently, only a portion of a total road may be classified as a county road. In such cases, the beginning and ending points, total miles, and other road list items should refer only to the part of the road that is a county road. As was mentioned above, the road list provided to the county legislative body should include a summary of changes to the road list. The summary shall provide the road name, the date the change in classification was approved and the reason for the change.

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