

TENNESSEE COUNTY HIGHWAY OFFICIALS ORIENTATION

OFFICE OVERVIEW



COUNTY OFFICIALS ORIENTATION PROGRAM 2024

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GENERAL DUTIES OF THE CAO

Upon election, take an oath of office as provided in Article 1, Section 1 of State Constitution and T.C.A. § 8-18-111 & § 54-7-108.

Post an official bond of a minimum of \$100,000 per T.C.A. § 54-7-108.

Be sure to perform these duties timely!



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INTERIM SUCCESSOR

The CLB has up to 120 days to fill a vacancy in your office.

The office needs to keep running during this time.

Under T.C.A. § 54-7-107, if a vacancy arises due to death, resignation or removal, the CAO's duties are to be performed by the designated INTERIM SUCCESSOR.

Who can be designated?

- Assistant superintendent
- Chief foreman
- Administrative assistant
- Other highest-ranking member in the office
- **YOU ARE RESPONSIBLE FOR MAKING THE DESIGNATION!!**



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INTERIM SUCCESSOR

Designation **MUST BE IN WRITING!**

CTAS has a form you can use

Counties with elected highway board—file form with highway board chair and county clerk

Counties without elected highway board—file form with the CLB chair and county clerk

Designation can be by name or title

Recommend reviewing at least annually

BE SURE TO UPDATE FORM AS NEEDED!



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PERSONNEL

Responsible for hiring, overseeing and terminating employees.

Approves personnel policies and work times.

Take care to have any personnel policies (and changes) reviewed by the county attorney before initiating.

Be sure that policies comply with FLSA, state and federal anti-discrimination laws and other applicable laws.



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PERSONNEL

The CAO is authorized to determine:

- Total number of employees
- Personnel policies
- Hours of work
- Job classifications
- Policies and wages within the classifications

The CLB may not set budget line items in such detail as to limit ability of CAO to set pay for highway personnel; however, pay must be within budget



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PURCHASING

CUHL does not specify purchasing agent for the highway department. T.C.A. § 54-7-113(c)(3).

Need to ascertain which purchasing law applies to your county (general law, '57,'81, or private act).



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PURCHASING

Under CUHL, purchases over \$25,000 generally must be publicly bid.

- Not required to get formal bids for purchases under \$25k but must get 3 informal bids whenever possible (T.C.A. § 54-7-113).

Bid limit can be up to \$50k if centralized and full-time purchasing agent.

Exceptions include repair of heavy equipment with limited available repair facilities, emergency purchases, and purchases of secondhand equipment.



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PURCHASING

SECONDHAND EQUIPMENT (PRIVATE)

Can purchase used or secondhand equipment without public advertisement and competitive bidding

Must document general range of value through nationally-recognized publication or an appraisal

Price cannot be more than 5% higher than highest value in range (T.C.A. § 12-3-1202)

GOVERNMENTAL EQUIPMENT

Can purchase used or secondhand equipment without public advertisement and competitive bidding (T.C.A. § 12-3-1202)

Can also transfer surplus property among gov't entities without public advertisement and competitive bidding (T.C.A. § 12-2-420)



PURCHASING

Bulk Fuel Purchases (TCA § 13-3-1214):

- Can now purchase bulk gasoline and diesel on the open market without public advertisement or bidding even if the amount would exceed bid limits.
- Whenever possible, should obtain at least three documented quotes.
- Fuel products may also be purchased from General Services contract where available.



EQUIPMENT

CAO is generally responsible for the use & control of all machinery, tools, supplies & material used in the county for construction, repair & maintenance of county roads and bridges. T.C.A. § 54-7-112.



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EQUIPMENT

Must perform complete inventory within 60 days of taking office and file this report with the CLB. Must file an amended inventory every subsequent year by September 1st. T.C.A. § 54-7-112.

Plainly mark all county highway equipment.

County mayor is obligated to examine these inventories for compliance and may withhold funds until compliance is achieved.



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ANNUAL WORK PROGRAM

In CUHL counties, CAO prepares and submits an annual work program to CLB and TDOT.

Under the CUHL, the CAO has control over the road system (construction and maintenance). T.C.A. § 54-7-109.



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COUNTY ROAD SYSTEM

Under the CUHL, the chief administrative officer exercises general policy making powers over the road system, including general control over county road:

- location
- relocation
- construction
- reconstruction
- repair and maintenance



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INTERACTION WITH HIGHWAY BOARD

If your county has a highway board, be sure to review your private act to determine what the board's duties/responsibilities are.

The private act may conflict with the CUHL and may need to be updated.

If you have any questions, consult your county attorney or contact CTAS and we will assist you.



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REMOVE THE OBSTRUCTIONS

CUHL authorizes the CAO to remove or cause to be removed any gate, fence or other obstruction from the county roads, bridges and rights-of-way. T.C.A. § 54-7-201.



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COUNTY ROAD LIST

CLB is charged with classifying public roads. The CAO is required to submit a detailed listing of all county roads to the CLB. T.C.A. § 54-10-103.

CAO should present the county road list to the CLB with additions or deletions on an on-going basis.

It is very important to keep this list up-to-date!



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8 ITEMS THAT THE ROAD LIST SHOULD INCLUDE:

Type of road (county or state-aid)

State-aid road description (only for counties in the state-aid road system)

Local name of road

Beginning and end of road (reference to geographical features)



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8 ITEMS THAT THE ROAD LIST SHOULD INCLUDE (CONT.)

Miles (length to nearest 1/10 of a mile)

Class (classify according to width as set out by T.C.A. § 54-10-103 & § 54-10-104)

Right-of-way width (in feet)

Roadbed width (in feet)



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CLOSING ROADS

Can be very confusing as procedures may vary from county to county. We recommend consulting with the county attorney to review local procedures before closing any county roads.

CLB must approve additions/deletions to road list per T.C.A. § 54-10-103.



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ALTERNATIVE PROCEDURE FOR CLOSING A COUNTY ROAD

Local option law codified at T.C.A. § 54-10-216.

Adopted by 2/3 vote of CLB.

Law provides a specific process to close road:

- Application to close road submitted to CAO;
- Public notice given to interested parties;
- CAO makes recommendation to regional planning commission (or CLB committee if no RPC);
- Planning commission (or committee) gives appropriate notice;
- Planning commission(or committee) recommends to CLB; and
- CLB votes on whether to close the road.



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WEIGHT LIMITS

PROCEDURE TO LOWER:

CLB can lower weight limits on county roads

2/3 majority vote

Must use same criteria as TDOT

T.C.A. § 55-7-205(a)(8)

WHEN CAN YOU LOWER?

“where, through weakness of structure in either the surface of or the bridges over the lateral highways or secondary roads, the maximum loads provided by law, in the opinion of the commissioner [CLB], injure or damage the roads or bridges.”



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UNDERGROUND UTILITY DAMAGE PREVENTION ACT

Must notify one-call service at least three days prior to excavation.

Exceptions to notification requirements:

- Routine maintenance
- Emergencies

Violations of one-call statutes separate from civil liability for damage to utilities.

Penalties for violations of one-call statutes include mandatory training (at your cost) and fines.



ROW REGULATION

Counties are authorized to regulate their rights-of-way

CLB can enact regulations and require permits

If duly enacted by the CLB, can assess civil penalties for violations

CTAS has model regulations and permit applications on website



ROAD DAMAGE

Damage to County Highway Structures

- T.C.A. § 54-7-207
- Includes roads, bridges, rights-of-way, etc.
- Criminal offense to damage (Class A misdemeanor—jail/fine up to \$2,500).
- Civil action for damage.
- Reward (\$250) for information that leads to conviction.
- Applies to all counties.



PRIVATE WORK & USE OF EQUIPMENT

The law (T.C.A. § 54-7-202) generally prohibits use of county highway department equipment or materials for anything other than a county highway purpose.

Work on private roads or for private purposes is forbidden.

Rock, crushed stone or other road material cannot be sold or given away.

Employees using equipment or material for personal use are to be discharged immediately.



EXCEPTIONS

The board of education or postal authorities may request a route and turnaround area on private property.

The county legislative body may authorize you to do work for other governmental entities.

Cost must be reimbursed.

If working for another county department, a transfer should be made to the highway department to cover the cost.

Joint purchasing agreements.

Interlocal agreements



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NEVER FORGET

NEVER DO WORK ON, OR USE, COUNTY EQUIPMENT OR SUPPLIES ON PRIVATE PROPERTY! Terminate any employee that violates this law (T.C.A. § 54-7-202).

Do not drop "excess" gravel in church parking lots or individuals' driveways.

Private bridges touching county roads are just that ... and the "last guy" did not fix it despite what the homeowner says.

Reimbursement for work for other governmental agencies: Have it in writing and be sure it is approved first by the CLB. T.C.A. § 54-7-202(d).



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INTERACTIONS WITH OTHER COUNTY OFFICIALS

Depending on the accounting/budgeting law your county is under, coordinate with the county mayor/finance director as applicable.

Prepare and submit an annual budget and any budget amendments to the CLB timely.

Remember to verify that the five-year average is met for local effort. Notify mayor/finance director if it appears it will not be met.

Work with mayor/finance director to maintain capital asset, infrastructure & accrued leave (if any) reporting for GASB requirements.

Submit changes to county road list timely to CLB.



ADVICE FROM YOUR COUNTERPARTS FOR YOUR 1ST YEAR IN OFFICE

Get involved in programs that bring in outside funding (USDA, NRCS).

Consider a written (and approved by CLB) interlocal agreement with a neighboring county to borrow equipment that you don't have.

Keep the road board (if you have one) and the CLB in the loop as much as possible.

Call CTAS, TCHOA, TDOT, TDEC and other CAOs if you have questions...we all want you to succeed! Remember, it is easier to stay on the road than pull it out of the ditch.



ADVICE FROM YOUR COUNTERPARTS FOR YOUR 1ST YEAR IN OFFICE

When you do your first inventory, if you have old equipment that is no longer in use, get it declared surplus and sell it on Gov Deals. It's not doing anything just sitting out rusting in the yard.

Understand and watch your budget.

If you please everybody, you are not doing your job!

Remember, when you take office, it's your responsibility. If equipment is missing from the inventory when you get there, let the road board, county audit, county mayor and if needed, the district attorney, know about it sooner rather than later.

