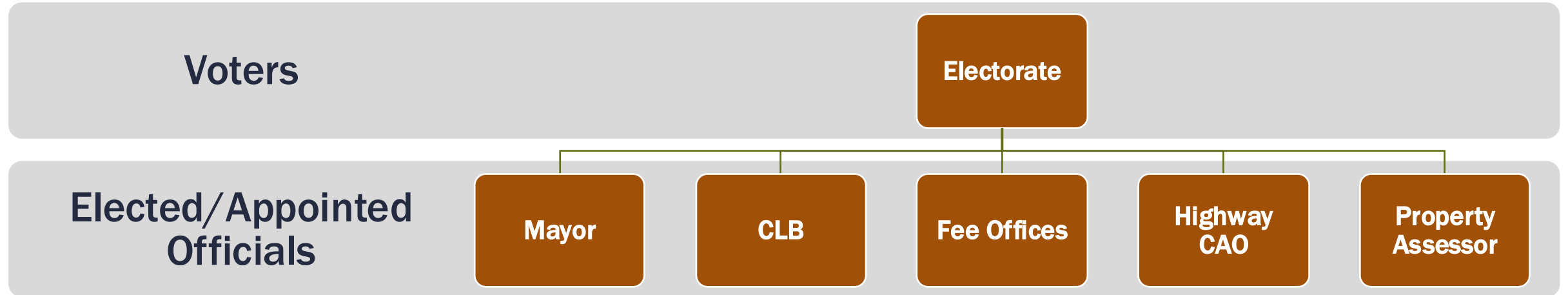


TENNESSEE COUNTY HIGHWAY OFFICIALS ORIENTATION

COOP 2026



COUNTY GOVERNMENT STRUCTURE



ENTERING OFFICE



Oaths of Office

**Article 1, Section 1
T.C.A. § 8-18-111, § 54-7-108**



Official Bond/Insurance

**Minimum \$100,000
T.C.A. § 54-7-108**

INTERIM SUCCESSOR

1

CLB has up to 120 days to fill a vacancy

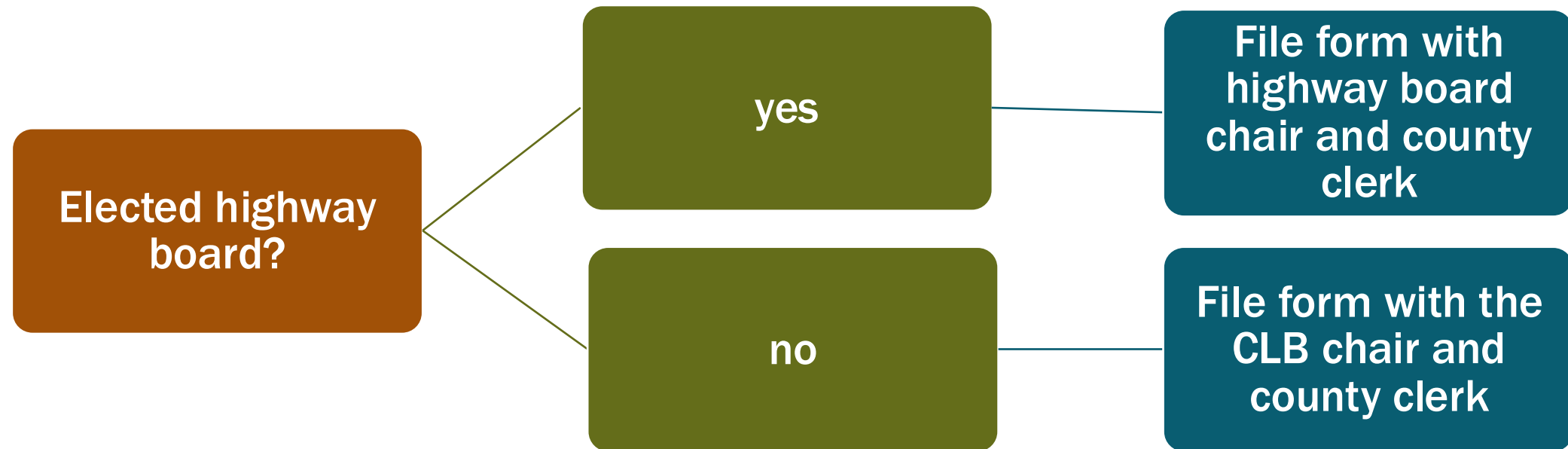
2

Assistant superintendent, chief foreman, administrative assistant, etc.

3

Highway Superintendent is responsible for making the designation in writing/on form to CLB.

INTERIM SUCCESSOR



PERSONNEL

Hire, oversee, and terminate employees.

Approve personnel policies and work times.

Have any personnel policies (and changes) reviewed by the county attorney before initiating.

Comply with FLSA, state and federal anti-discrimination laws and other applicable laws.



PERSONNEL

CAO is authorized to determine:

Total number of employees

Personnel policies

Hours of work

Job classifications

Policies & wages within classifications

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.

EQUIPMENT

Must perform complete inventory within 60 days of taking office and file report with CLB.

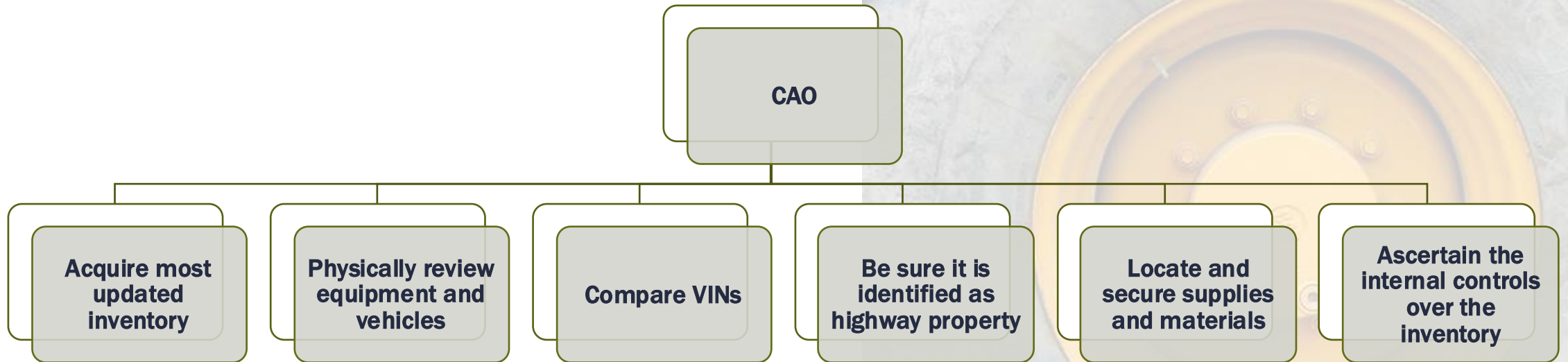
Must file an amended inventory every subsequent year by September 1st.

Must plainly mark all county highway equipment.

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



EQUIPMENT



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).

If under a private act, check your private act for annual work plan requirements.

CONTROL OVER THE ROAD SYSTEM



INTERACTION WITH HIGHWAY BOARD



Review private act
to determine the
board's duties/
responsibilities



Private act may be
in conflict with the
CUHL and need to
be updated



Consult your county
attorney or contact
CTAS if you have
any questions

REMOVING ROAD 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.

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

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!

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)

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)

CLOSING ROADS

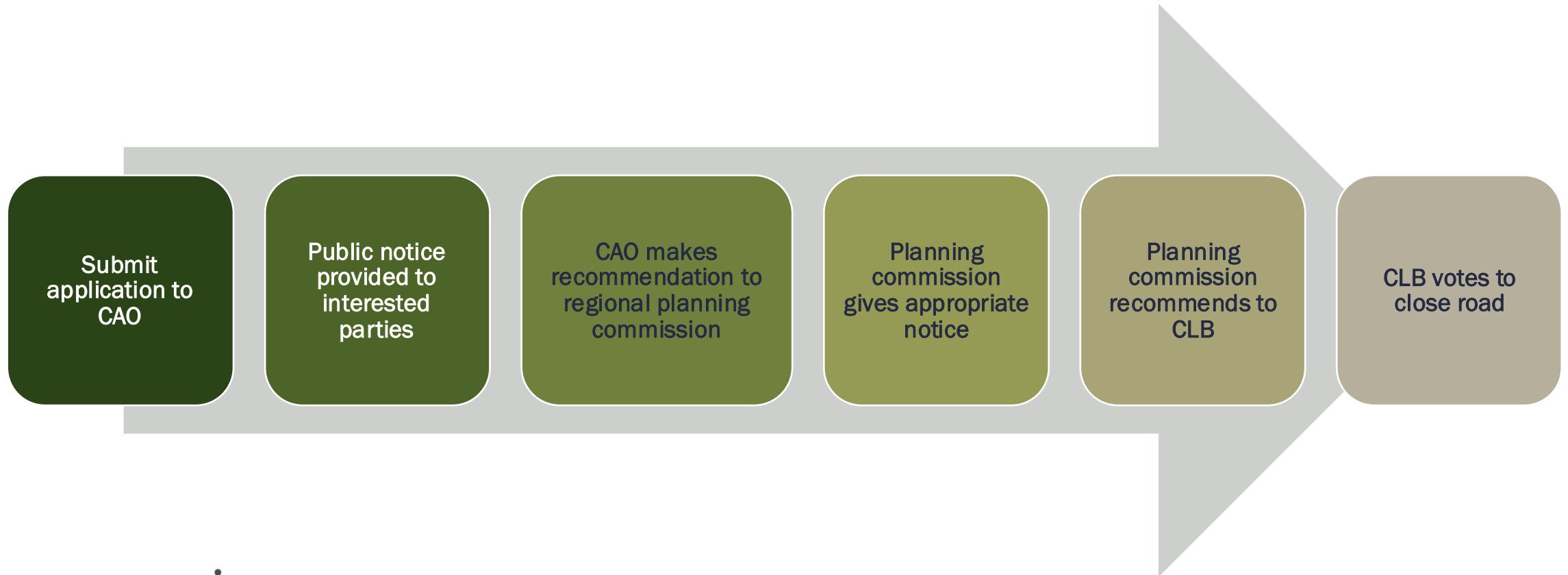
Procedures may vary from county to county.

We recommend consulting with the county attorney to review local procedures before closing any county roads.

CLB must approve additions/deletions to road list



ALTERNATIVE PROCEDURE FOR CLOSING A COUNTY ROAD



ALTERNATIVE PROCEDURE WITHOUT A PLANNING COMMISSION



WEIGHT LIMITS

Procedure to Lower:

- CLB can lower weight limits on county roads
- 2/3 majority vote
- Must use same criteria as TDOT

“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.”

UNDERGROUND UTILITY DAMAGE PREVENTION ACT



Must notify one-call service at least 3 days prior to excavation.

Exceptions:

- Routine maintenance
- Emergencies

Violations separate from civil liability for damage to utilities

Penalties: mandatory training (at your cost) and fines (if pattern of willful noncompliance).

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 website](#) > [Reference Materials](#) > [Sample Resolutions](#)

ROAD DAMAGE



Criminal offense to damage

- Class A misdemeanor and jail or fine up to \$2,500

Civil action for damage

Reward (\$250) for information that leads to conviction

PRIVATE WORK & USE OF EQUIPMENT

PROHIBITED:

Law generally prohibits use of county highway department equipment or materials for any other purpose

Work on private roads or for private purposes is forbidden

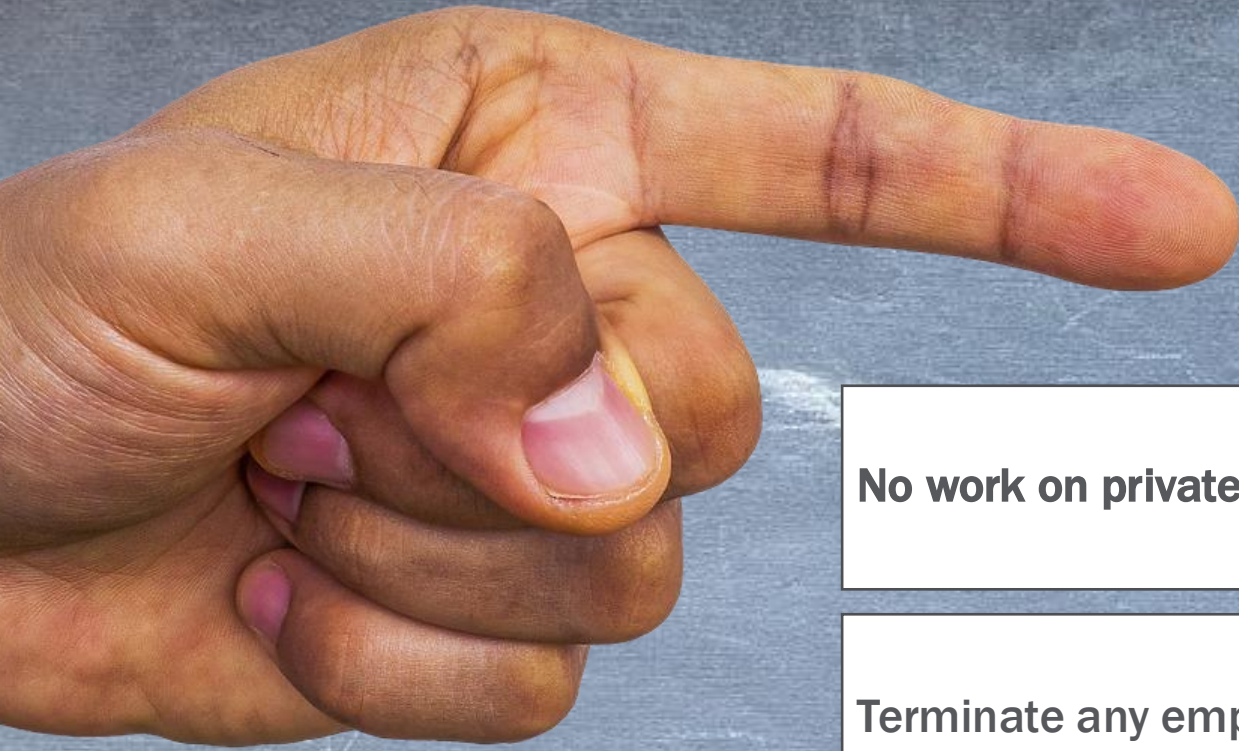
Rock, crushed stone, or other road material cannot be sold or given away

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

Exceptions

- ☐ Board of education or postal authorities
- ☐ Interlocal agreements
- ☐ Transfer from other county department
- ☐ Joint purchasing agreements





Remember...

No work on private property

Terminate any employee who violates the law

Reimbursement for work for other governmental agencies in writing and approved by CLB

DONATIONS

Materials, property, services, funds or supplies

Donor may put terms and conditions on donation

Funds deposited to trustee and credited to highway fund

May adopt policy covering private persons making road repairs to fix damage they caused

T.C.A. § 54-7-115

TDOT AGREEMENTS

Legal presumption
highway CAO authorized
to sign contracts with
TDOT.

Presumption only
overcome if CLB
provides notice to TDOT
that the CAO does not
have that authority.

T.C.A. § 54-7-116

CONFLICT OF INTEREST

Neither the chief administrative officer, county highway commissioner, member of the county governing body nor any employee of the county road department shall be financially interested in or have any personal interest, either directly or indirectly, in the purchase of any supplies, machinery, materials, equipment or contractual services for the department or system of roads for the county, nor in any firm, corporation, partnership, association or individual selling or furnishing the machinery, equipment, supplies and materials.

A violation of this section constitutes official misconduct and is a Class C misdemeanor and is grounds for removal from office.

T.C.A. § 54-7-203



REMOVAL FROM OFFICE



Can be removed under T.C.A. § 54-7-205. This is in addition to ouster under Title 8, Chapter 47.

Removal can be based on violations of any statute or regulation governing the operation of a county road department, including, but not limited to, an apparent violation of any statute or regulation applicable to accounting, budgeting or purchasing procedures.

Removal will proceed if willful misfeasance, malfeasance or nonfeasance by the chief administrative officer of the road department is found.

If removed under this section, you will be ineligible to ever seek the office of chief administrative officer of a county road department in any county.