TENNESSEE ADVISORY COMMISSION ON
INTERGOVERNMENTAL RELATIONS
Legislative Plaza Room 30
Wednesday, August 21, 2013 @ 1:00 p.m.

County Government Panel on Public Chapter 441

Tennessee County Highway Officials Association

Good afternoon Chairman Norris and Commission members. I am J. Rodney Carmical, Executive Director of the Tennessee County Highway Officials Association. TCHOA is a statewide organization created to represent the interests of the 95 elected and appointed chief administrative officer of the county highway departments who are commonly referred to as county highway superintendents, road superintendents, public works directors, or county engineers.

The transportation infrastructure – roads and bridges - of any unit of local government is not only a tremendous asset but also creates an overwhelming financial responsibility and liability. The 95 county highway officials in Tennessee are responsible for maintaining approximately 57,000 miles of county roads and

approximately 9,300 bridges over 20 feet in length. That number of bridges does not include any structures below 20 feet in length. Municipalities are responsible for approximately 18,000 miles of streets and approximately 2,000 bridges over 20 feet in length. Together local governments own and maintain 84% of the roads/streets in Tennessee and 58% of the bridges. Constructing and maintaining that huge number of miles of roads/streets and bridges is a tremendous financial burden that falls on ~~the owning~~ local government~~'s unit.~~ In today's market, repaving one mile of a county road 20 feet wide with 2 inches of asphalt cost approximately $100,000.

In my previous life as a public service provider, I served on the Public Chapter 1101 Implementation Steering Committee in 1998. Public Chapter 1101 has served the citizens of Tennessee very well but it is time for a comprehensive review of the Act. County highway officials are not concerned with how annexation is achieved – ordinance or referendum. Our major concern is how municipal boundaries are established and with deannexation. There is currently, as in the past, a tendency by municipalities to exclude the transportation infrastructure during the process of establishing annexation boundaries. Two of the main objective of Public Chapter 1101 was to prevent strip annexation and to establish congruency in future annexations. In our opinion those two objective have fallen short!

Mr. Chairman – I would like to present to the Commission five examples of annexation and deannexation that we believe have not followed the stated intent and purpose of PC1101 and should be addressed in a comprehensive review of the Act. With your permission Mr. Chairman these examples will be identified by county only. Identification of the municipality is not significant.

Picture #1 – Deannexation of a Road in Robertson County.
A small municipality in Robertson County wants to deannex 3.6 miles of a street under their current jurisdiction. The street in question was annexed approximately 20 years ago. The county has refused to accept the road back into the county road system until it is brought up to meet the county's established road standards. The cost to bring that road to county standards is approximately $500,000.

Picture #2 – Annexation and deannexation of I-40 in Sevier County
A municipality annexed the rights-of-way of I-40 which included two bridges and the underlying county roads. Later by ordinance, the municipality deannexed 4 county roads and returned those roads to the Sevier County Highway Department for maintenance. In the deannexation ordinance the municipality retained the I-40

median, the travel lanes on both sides of the median, and the remainder of the I-40 right-of-way inside the TDOT maintenance fence.

Picture #3 – Hawkins County Bridge

A municipality annexed up to the bridge skipped over the structure and continued with the annexation process on the other side of the bridge. The bridge has been condemned and is in the process of being replaced by Hawkins County. The replacement structure is 500 feet long and construction cost is $7.2 million. Less than a month ago the state ordered the bridge closed to traffic. The county spent $28,600 to make temporary repairs to reopen the bridge. In 2005 the county highway department made application for an 80-20 matching Federal Bridge Grant administered by TDOT to replace the bridge. The new structure is scheduled to open in May of 2014.

Picture #4 – Annexation in Franklin County

A small municipality annexed 1 foot of a county bridge to establish congruency to annex one commercial business. The annexation ordinance did not take any of the county roads that surround the business. The county has ownership rights and maintenance responsibility for the structure with the exception of one foot!

Picture #5 - Annexation In Maury County

The municipality annexation boundary lines were drawn to include future residential housing and to exclude 2.5 miles of a county road. On the left side of the road is a large drainage ditch, a rail road track and Saturn's property line. The original plan called for 600 homes to be constructed on the property but when the housing bubble burst those development plans were placed on hold. A resurgence of Saturn may see these plans resurface.

Mr. Chairman – the entire membership of TCHOA supports a comprehensive review of PC1101. Hopefully a comprehensive review will address some of the transportation issues we have presented to you today.

Thank You.

Robertson County

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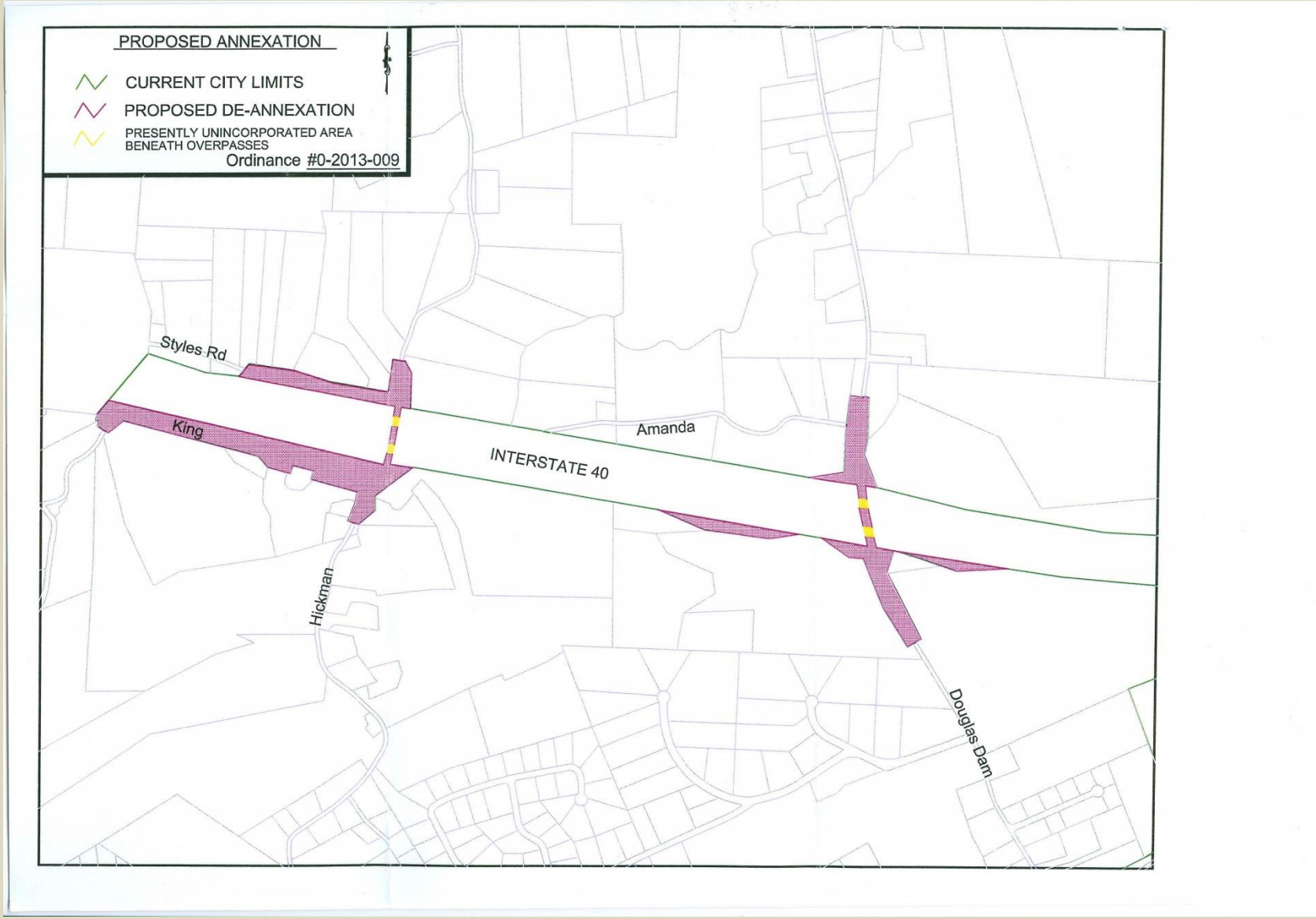

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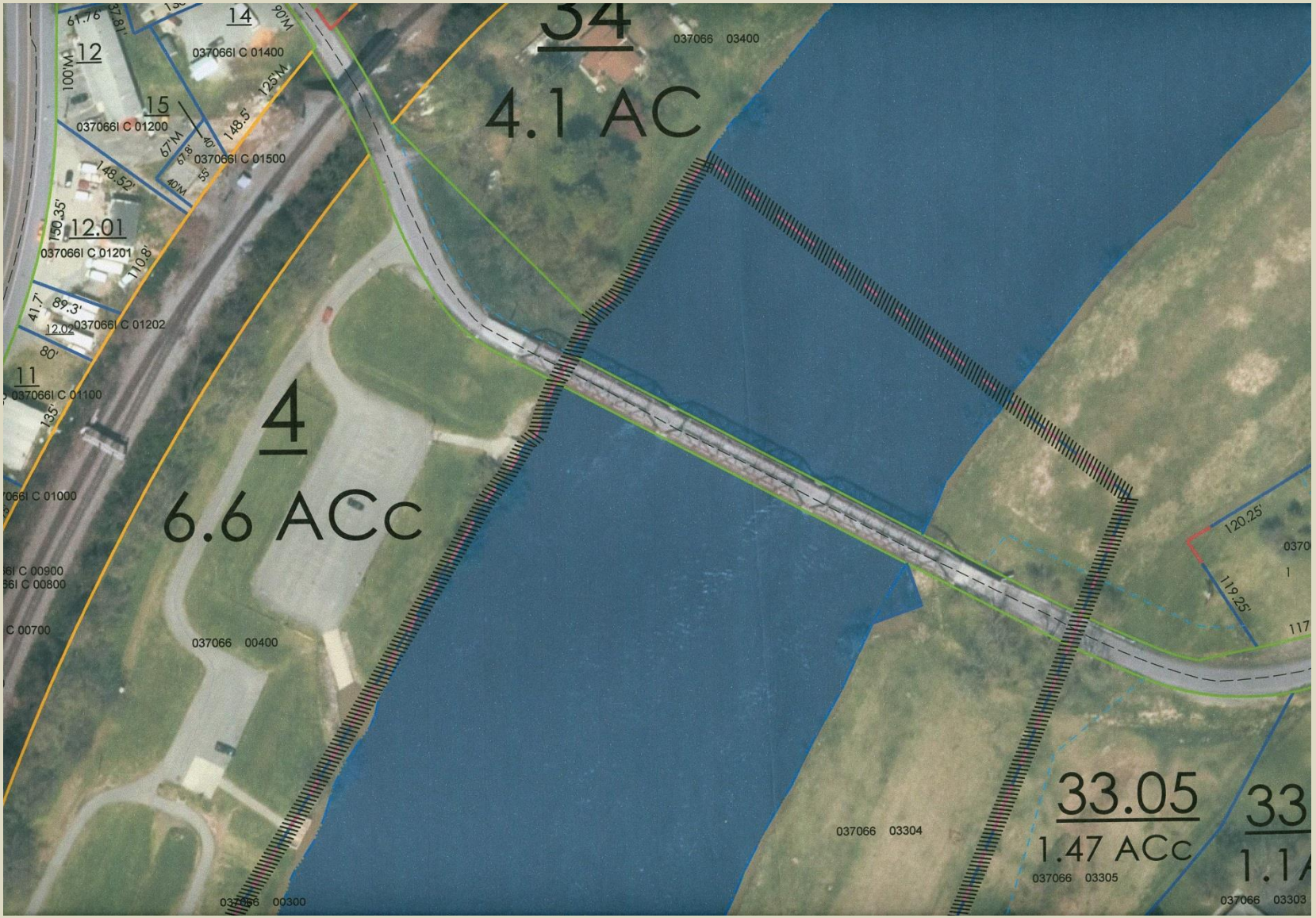

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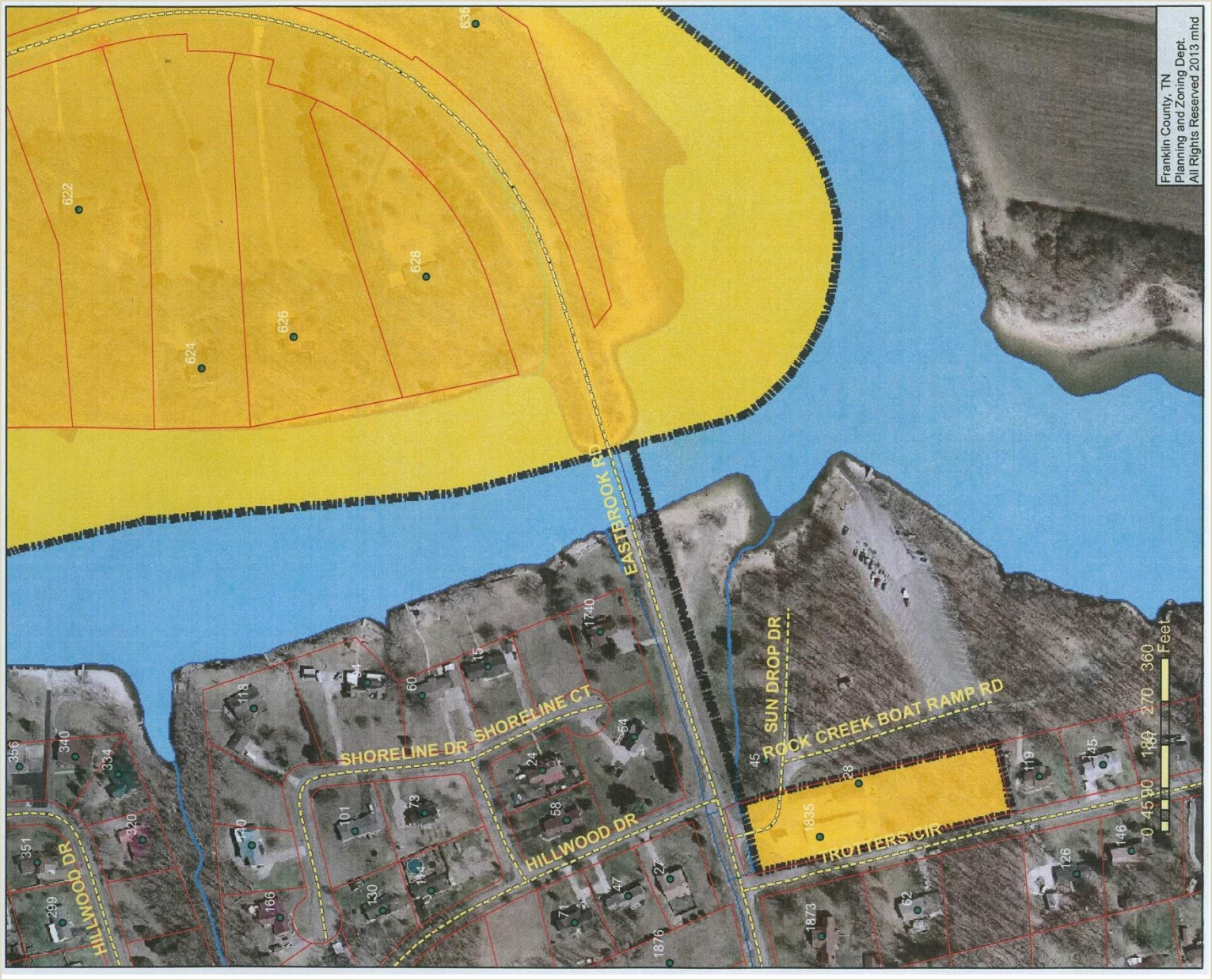

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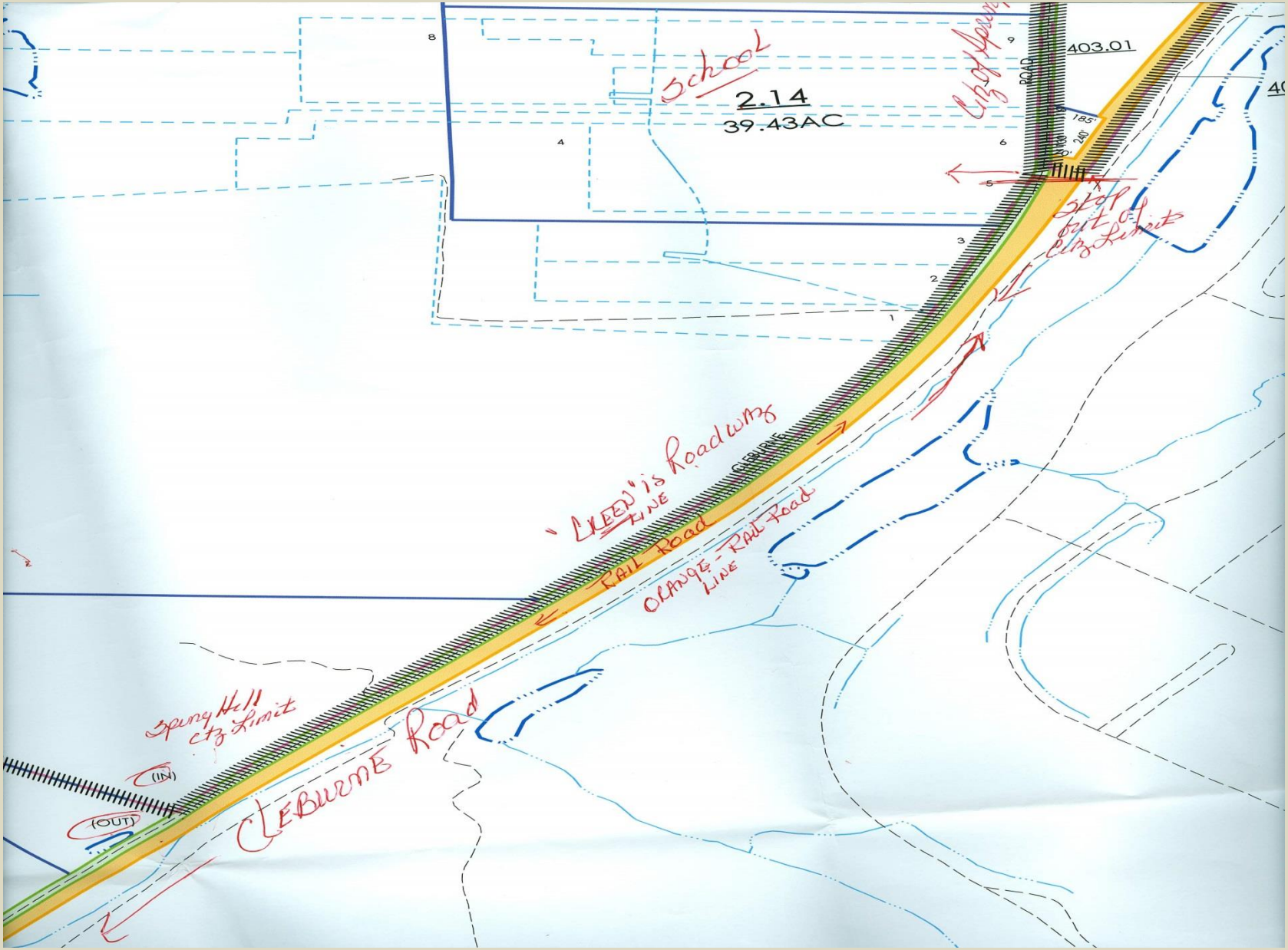

Maury County

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