

SENATE BILL 1734

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 54,
Chapter 10, Part 2, relative to opening, closing, or
changing public roads.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-10-216, is amended by deleting the section and substituting instead the following language:

(a) Notwithstanding this part to the contrary, a county legislative body, by resolution adopted by a two-thirds (2/3) majority vote, may adopt the provisions of this subsection (a) as an alternative procedure for the opening, changing, and closing of public roads in the county that are not maintained by any other governmental entity. After adopting the provisions of this subsection (a), each application to open, change, or close a designated public road in the county shall be made in writing to the chief administrative officer. Upon receiving an application to open, change, or close a public road, the chief administrative officer shall give notice to interested parties as provided in this part. The chief administrative officer shall make a recommendation to the regional planning commission, or a committee of the county legislative body if no such regional planning commission exists, regarding whether the public road should be opened, changed, or closed. Before making any recommendation with respect to opening, changing, or closing a road pursuant to this subsection (a), the regional planning commission, or committee of the county legislative body, shall provide notice of the action either by written notice mailed to affected property owners or by notice advertised in a newspaper of general circulation in the county not less than fourteen (14) days before the recommendation is made. After receiving the recommendation of the chief

administrative officer, the regional planning commission or committee of the county legislative body shall make its recommendation to the county legislative body and shall attach the recommendation of the chief administrative officer. After receiving the recommendations as provided in this subsection (a), the county legislative body may, by resolution adopted by a majority of its members, order the opening, changing, or closure of the public road.

(b) The committee of the county legislative body formed pursuant to subsection (a) shall be a standing committee of the county legislative body comprised of five (5) county legislative body members selected by the chair of the county legislative body each year on or before September 1. The committee shall only be formed if no regional planning commission exists to perform the functions under subsection (a) and shall operate for the sole purpose of considering applications to open, change, or close a county road and for no other purpose.

(c) Adoption of the alternative procedure provided in subsection (a) does not preclude interested parties from seeking damages arising from the opening, changing, or closing of a county road to which they are otherwise entitled under the law.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.