

**STANDARDS FOR THE ADOPTION OF EXISTING ROADS ONTO THE
CUMBERLAND COUNTY, TENNESSEE ROAD LIST**

1. Purpose and Scope

These standards govern the adoption of existing roads in the unincorporated areas of Cumberland County, Tennessee onto the Cumberland County Road List.¹ These standards apply exclusively to existing roads that have been in existence prior to 1992 or are otherwise defined below (hereinafter "Existing Road").

The studies, conclusions and other authorities relied upon for the standards set out herein include but are not limited to:

Tennessee Department of Transportation (TDOT) Design Standards for Low Volume Roads (revised 1-01-2019 or later),
Federal Highway Administration (FHWA) Gravel Roads Construction and Maintenance Guide (revised 2015 or later),
Design Guidelines for Very Low Volume Roads (<400 ADT), National Cooperative Highway Research Program, published May 1999

2. Definition of an Existing Road

A road shall be considered an Existing Road if credible proof demonstrates that the road has been consistently traversed prior to and since 1992 and is necessary to access or provide frontage on or access to three or more parcels owned by different persons or entities. A road will also be considered an Existing Road if constructed since 1992 and built to meet the standards set out in the Road Acceptance and Construction Standards adopted by the Cumberland County Board of Commissioners in 1992.

3. Extension of Existing Roads

If an affected property owner petitions for the extension of a road currently on the County Road List, said extension may be granted if the portion sought to be added meets the definition of an Existing Road as set forth in Section 2 and the extension sought is no longer than 300 feet. The extension shall be granted only for a road surface and ROW width matching the road from which the extension is sought. If the extension sought is greater than 300 feet, the road must meet one of the road specifications below or allowed under a variance.

4. Road Specifications

The following standards shall apply to all petitions for placing Existing Roads onto the County Road List:

- A. The specifications of the Existing Road meets the standards applying to new roads under the Cumberland County Regional Planning Commission's Road specifications; or,

- B. The Existing Road has a tar and chip or asphalt paved surface, meets Tennessee Department of Transportation (TDOT) Design Standards for Low Volume Roadsⁱⁱ, and
 - 1. has a volume less than 400 vehicles per day and measures at least 18 feet wide with at least 30 feet of ROW width; or,
 - 2. has a volume less than 50 vehicles per day and measures at least 13 feet wide with at least 30 feet of ROW widthⁱⁱⁱ; or,
 - 3. has industrial or commercial activity and measures at least 20 feet wide and at least 40 feet of ROW width; or,

- C. The Existing Road has a gravel surface, meets the Tennessee Department of Transportation (TDOT) Design Standards for Low Volume Roads, and
 - 1. has a volume less than 400 vehicles per day and measures at least 18 feet wide with 6.5 inches of gravel base, with at least 30 feet of ROW width (2015 Federal Highway Administration (FHWA) Gravel Roads Construction and Maintenance Guide); or
 - 2. has a volume less than 50 vehicles per day and measures at least 13 feet wide and at least 30 feet of ROW widthⁱⁱⁱ; or
 - 3. has industrial or commercial activity and measures at least 20 feet wide and at least 40 feet of ROW width.

In an addition to A-C above the following standards also apply:

- D. The Existing Road provides an adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc. for the proper drainage of all surface water.

- E. The Existing Road provides a minimum 4' Clear Zone between the edge of the roadway and potential hazardsⁱⁱ which may include but not be limited to steep ditches or immovable obstructions.

- F. The Existing Road includes structures of adequate load carrying capacity for anticipated use.

5. Speed Limits

- A. Any tar and chip or asphalt paved road adopted under Section 4(B) above with a surface between 13 and 20 feet wide shall have a maximum speed limit of 40 MPH.

- B. Any gravel road adopted under Section 4(C) above shall have a maximum speed limit of 40 MPH.

- C. Any road providing industrial and/or commercial vehicle access shall have a maximum speed limit of 20 to 40 MPH, depending on roadway widthⁱⁱ.

6. Variances

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these standards and/or the purposes of these standards may be served to a greater extent by an alternative proposal, it may approve variances to these standards so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these standards; and further provided the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property; and,
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other properties; and,
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these standards are carried out; and,
- d. The Road Superintendent has approved the variance request.

7. Existing Roads previously on the County Road List

An Existing Road that was previously on the county road list but for some unknown reason is no longer on the road list, can by proper petition as set out below, be added back to the county road list without meeting the specifications in section 4 above. It is the petitioner's burden to show the road was previously on the county road list and that placing it back on the road list will not cause undue harm to surrounding property owners or to the county.

8. Adoption Process

- A. A property owner whose property will be directly affected by the addition or modification of a road, may petition the County for the adoption or extension of an Existing Road onto the County Road List. This petition and supporting evidence are to be submitted in writing to the County Road Superintendent. The petitioner(s) will submit a fee to cover the cost of necessary advertisement of a public hearing.
- B. The County Road Superintendent will review the petition and evaluate any necessary costs associated with the request and will then forward to the Regional Planner with his or her recommendation.
- C. The Regional Planner shall present the petition to the Cumberland County Planning Commission, which will review the petition and supporting evidence to determine if the road meets the criteria set forth in these standards.
- D. In considering the petition, the Cumberland County Planning Commission shall follow all requirements set out in Tennessee Code Annotated §54-10-216, including all notice requirements and shall consider any positive or negative environmental impact that may be caused by the approval of the petition and the financial capabilities of the county to maintain the requested roadway.

- E. The Cumberland County Planning Commission shall vote on whether the addition or modification requested in the petition meets these standards and thereafter present its recommendation to the Environmental Committee. The Environmental Committee shall vote on whether the addition or modification requested in the petition meets these standards and thereafter present its recommendations to the Cumberland County Board of Commissioners. The Board of Commissioners shall make the final determination on whether the road shall be placed on the County Road List, or the County Road List should be modified. The Board of Commissioners will specify funding for the necessary cost of necessary improvements and ongoing maintenance of the roadway.
- F. The Road Superintendent shall make a recommendation on each petition offered.
- G. If the road is approved for adoption, the County shall be responsible for the maintenance of the road.

9. Effective Date and Amendments

These standards shall be effective upon adoption by the Cumberland County Board of Commissioners. The County may review this policy from time to time, but, no less than every ten (10) years after it is adopted. The policy may be amended as deemed appropriate by a majority vote of the Cumberland County Board of Commissioners.

ⁱ TCA § 54-10-103

ⁱⁱ TDOT RD11-TS-1 (2019 or later)

ⁱⁱⁱ Timothy Neuman, *Design Guidelines for Very Low Volume Roads (<400 ADT)* (NCHRP Report 20-7 Task 75), 1999), 21