



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Street Construction

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Street Construction

Reference Number: MTAS-607

Cooperative Planning

The department of transportation, with the cooperation of the department of economic and community development, and counties, cities and towns of the state, with the cooperation of their respective planning commissions, are authorized to enter into cooperative planning agreements that provide for a continuing and comprehensive transportation planning process. T.C.A. §§ 54-18-101, *et seq.*

Ramps for the Handicapped - State and Federal Requirements

"Every incorporated city and town" must install ramps "at crosswalks in both business and residential areas when making new installations of sidewalks, curbs, or gutters or improving or replacing existing sidewalks, curbs, or gutters" to facilitate the movement of people in wheelchairs and others with mobility impairments. The state Department of Transportation must furnish design standards for such ramps, and construction must be in accordance with those standards. T.C.A. § 7-31-114.

Under the Americans with Disabilities Act, local governments must provide curb ramps or other sloped areas at the intersections of newly constructed or altered streets, roads, or highways to make them accessible for the handicapped. 28 C.F.R. 35.151.

Public Bridges

A city and a county may agree to construct and share the costs of a free or toll bridge over any stream in or next to a municipality. Bonds may be sold to finance such a project. T.C.A. §§ 54-11-222–224.

Bridge Grants

The 1990 Bridge Grant Program Act created a bridge replacement and rehabilitation program for local governments. The Tennessee Department of Transportation administers the program and may approve grants for up to 80 percent of project cost. Participating cities must comply with National Bridge Inspection Standards. T.C.A. §§ 54-4-501–508.

Condemnation

Municipalities are authorized to condemn land for streets and street-related purposes under various statutes:

- Streets—T.C.A. § 7-35-107, T.C.A. § 29-16-101, T.C.A. § 29-17-801;
- Public works projects—T.C.A. § 9-21-107;
- Controlled-access highways—T.C.A. § 54-16-104; and
- Drainage ditches—T.C.A. § 7-35-101, T.C.A. § 29-16-201.

Generally, the procedures outlined in T.C.A. § 29-16-101 and T.C.A. § 29-17-801 govern the condemnation of property. T.C.A. §§ 29-17-101, *et seq.*, place restrictions on the use of eminent domain when there will be direct or indirect benefits to private individuals or entities. One of several exceptions from these restrictions, however, allows private benefits when "any interest in land necessary for a road, highway, bridge, or other structure, facility, or project used for public transportation" is taken. (See Eminent Domain [1] for more information.) T.C.A. § 66-27-207 places restrictions on the use of eminent domain to take condominium units.

Construction Guarantee

In a contract for paving a public way, cities may require that the contractor guarantee "to maintain and repair the same for such time as the governing body or board thereof shall deem proper." T.C.A. § 7-31-113.

Plans, Specifications, and Estimates

Plans, specifications, and estimates for any public works project exceeding \$50,000 must be prepared by a registered architect or engineer. T.C.A. § 62-2-107.

Links:

[1] <http://www.mtas.tennessee.edu/node/1263>

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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