

# COUNTY ROADS

## CREATION, ACCEPTANCE, ANNEXATION, VACATION

### CREATION AND ACCEPTANCE

There are several methods by which a county road is created. The determination of whether a road is a county (i.e., county-maintained) road is frequently essential when considering such issues as:

- Whether or not the county is liable for damages
- Whether the county has the authority or duty to maintain a road and
- Whether or not use of the road can be regulated by the county governing body

### Public v. Private Road

The question of whether a road is public or private is a common issue of dispute and/or concern. However, resolution of this issue is often critical, such as when a county is considering whether it can or must maintain a road. There is little statutory law specifically addressing what constitutes a public road, but there are some appellate cases and attorney general's opinions which set out the general guidelines for making the factual determination of whether a road is public or private.

It is also important to keep in mind, as will be discussed in detail below, that a "public" road is not always a county-maintained road. This further complicates the issue of responsibility for maintenance and repair. However, the county commission is only responsible for county-maintained roads that have been accepted into the county road system.

A public road becomes a county road in one of three ways:

- By regular proceeding where the county constructs the road for public use
- By a dedication and acceptance of the road
- By prescription

Whether a road is a public and/or county-maintained road is a factual determination to be made by county authorities. *See, e.g., AG's Opinion ## 2005-120 and 94-148.* Unfortunately, the issue frequently becomes a matter of litigation. The Supreme Court has held that the county must be joined as a party where determination of whether a road is public or private might affect not only the rights of litigants but also the rights of members of the public to use the road, the duty of the county to maintain it, and the liability of the county for failure to maintain it. *See, e.g., Boles v. Autery, 554 So.2d 959 (Ala. 1989).*

- If the county is not joined as a party, neither the county nor other members of the public are bound by the court's ruling.

### Public Road Established by County

As noted above, one method for establishing a county road is the construction of the road by the county for public purposes. There are many factors that impact and affect the construction of county roads, but these are roads that the county has created itself – not roads acquired through acceptance or prescription.

## Dedication and Acceptance of Public Road as County Road

"Dedication" is "the donation of land or creation of an easement for public use." Dedication does *not* create a county road, but merely a road that may be used by the public even if it remains privately owned. *AG's Opinion ## 97-77 and 88-173.*

The most typical circumstance where this occurs today is newly-constructed roads in a subdivision development. The developer will construct the roads (hopefully pursuant to county subdivision regulations) in conjunction with the construction of homes in the development. The developer generally then asks the county commission to accept the road into the county road system.

The county commission has discretionary authority under *Ala. Code § 23-1-80* to determine which roads it will accept and use as "county roads". *See, e.g., AG's Opinion ## 2003-254 and 88-173.* Legally, the county commission may decline to accept a road that has been "dedicated" to public use as a public road.

- Keep in mind that, once accepted, the county has a duty to maintain that road in a reasonably safe condition for travel.
- Where the county has subdivision regulations or "road acceptance" policies, roads should only be accepted into the county road system if those regulations or policies have been followed in the construction/maintenance of the road

Approval of a recorded subdivision plat does not amount to acceptance of the roads as county roads and does not necessarily impose upon the county a duty to maintain the road. *See, e.g., Chalkley v. Tuscaloosa County Commission, 34 So.3d 667 (Ala. 2009); Blair v. Fullmer, 583 So.2d 1307 (Ala. 1991).* The Supreme Court of Alabama explained in *Chalkley* that since acceptance of a dedication constitutes the assumption of responsibility for the property in question, a grantor cannot automatically impose such responsibility on the public through his or her dedication of the property.

There are two legally-recognized methods for the establishment of public roads through dedication by landowners – statutory dedication and common law dedication. Each method is outlined below. Remember that dedication does *not* make a public road a county-maintained road. A road does not become a "county-maintained road" until and unless it is accepted by the county governing body at its option.

### Statutory Dedication

The process for statutory dedication is set out in *Ala. Code § 35-2-50 to § 35-2-52*, and basically involves a conveyance of surveyed land as evidenced by properly recorded plat or map. The acknowledgment and recording constitute a conveyance of the lands donated or granted to the public.

- The dedication is irrevocable and cannot be altered or withdrawn except by statutory vacation proceedings

### Common Law Dedication

Common law dedication consists of acts indicative of the owner's intent to dedicate property to public use along with an acceptance by the public. *See, e.g., Hall v. Polk, 363 So.2d 300 (Ala. 1978).*

- The owner must unequivocally intend to create a public right exclusive of his own
- The intent may be shown by deed

### Acceptance of Road as County Road

As discussed above, a dedicated road does not become a county (county-maintained) road until and unless it is accepted by the county commission.

- There must be a clear acceptance and assent before a dedicated road can be considered a county public road (See, e.g., AG's Opinion ## 96-61, 89-338, and 83-396)
- This is usually done by resolution of the county commission

The county is *not* required to accept roads which do not meet their minimum standards regardless of whether the county has adopted written subdivision regulations. See, e.g., AG's Opinion # 2003-254, 89-338, and 88-173.

- If the county has established guidelines for acceptance of a road, those guidelines must be met before the road is accepted
- It is very important that the county not maintain any road until and unless it has been formally accepted as a county road

### Creation of Public Road by Prescription

A road can also become a public road or a county road by prescription. This can be a very difficult determination to make. Some things to consider in making the decision whether a road has become a public or county road by prescription are:

#### Length of Time Road used by Public

- As a general rule, an open, undefined road used continuously by the public without hindrance for 20 years becomes a public road by prescription

#### Use of Road

- It is the character of the use, rather than amount, that controls
- Look at things such as:
  - whether there is a mail or school bus route
  - whether it is used by the general public or only adjoining landowners

#### Maintenance of Road

- County maintenance is strong evidence that a road is a public road, but is not essential to this determination

#### Maps and Deeds

#### Position of Property Owners

- If a property owner attempts to limit or prohibit use of the road, or only authorizes permissive use without relinquishing ownership, the road would not likely be viewed as a public road created by prescription

#### Location of Road

When there is a question of whether a road has become a public or county road by prescription, it is important to weigh all considerations carefully. The county engineer and county attorney should be

involved at every point of the research. If the county commission determines that the road has become a county road by prescription, the governing body should consider taking official action – as by resolution – to formally adopt the road as a county road.

## VACATION OF ROADS

The procedure for vacation of a road by the county or by abutting landowners is set out in *Ala. Code § 23-4-1 et seq.* Under amendments in the law passed in 2004, the procedures for vacation are now virtually identical whether initiated by the governing body or adjoining landowners.

The courts have generally disfavored vacation of roads and require strict compliance with the statutory procedures. *See, e.g., Bownes v. Winston County, 481 So.2d 362 (Ala. 1985).* The interests of adjoining or nearby landowners will be carefully scrutinized by the courts to ensure that they have convenient and reasonable egress and ingress to and from their property as required in *Ala. Code § 23-4-20.*

- Once the county has assented to the vacation of a road, it has no authority to rescind its resolution. *See, AG's Opinion # 94-195.*

### Vacation by County

The procedures for vacation of a county road by the county commission are set out in *Ala. Code § 23-4-2* and outlined below.

1. When the county commission proposes to vacate a public road, it must schedule a public hearing prior to taking final action on the issue.
  - There is no requirement that the public hearing be scheduled separately from a county commission meeting
  - However, the final decision on the proposed vacation must be made at a regularly scheduled meeting
2. The county commission must give at least 30 days prior notice of the scheduled hearing in each of the following ways:
  - Publication in a newspaper of general circulation “in the portion of the county where the street lies” once a week for four consecutive weeks.
  - Posting notice on a bulletin board at the courthouse.
  - Mailing notice to any abutting land owners.
  - Mailing notice to any entity known to have facilities or equipment (such as utility lines) within the road’s public right-of-way.
3. The notice from the governing body shall describe the road it proposes to vacate and provide the date, time, and location of the meeting on the issue.
4. Any citizen alleging to be affected by the proposed vacation may file a written objection or request to be heard at the public hearing.

As noted above, the decision on a proposed vacation must be made at a regularly scheduled meeting of the county commission. In counties where commissioners are elected by single-member districts, the motion to approve the vacation must be by the county commissioner representing the district where the road in question lies.

If the commission votes to vacate the road, it shall adopt a resolution to be filed in probate court, which shall:

- Describe with accuracy the road to be vacated.
- Give the names of abutting owners affected by the vacation.
- Set forth that the vacation is in the public interest.

Notice of the vacation shall be published once in a newspaper in the county no later than 14 days after the resolution to vacate is adopted.

The vacation divests all public rights and liabilities in the road and title to the road vests in the abutting landowners.

- This includes any prescriptive rights.
- Utilities with lines, equipment, and facilities in place at the time of vacation may continue to maintain, extend, and enlarge their lines, equipment, and facilities.

The decision on vacation of a road lies solely with the county commission. However, vacation of a public road cannot deprive other property owners of any right they have to convenient and reasonable means of ingress and egress to and from their property. If necessary to avoid this, the county must dedicate another road affording that right. *See, e.g., Jackson v. Moody, 431 So.2d 509 (Ala. 1983); Booth v. Montrose Cemetery Association, 386 So.2d 774 (Ala. 1980).*

### **Vacation by Abutting Landowners**

There are actually several ways in which abutting landowners may proceed to vacate a road.

#### ***Ala. Code § 23-4-20***

As noted above, the usual process for vacating a road at the request of abutting landowners is the same as procedures used when vacation is initiated by the governing body except that, to initiate action, the abutting owner or owners must file a written petition with the county commission requesting vacation of the road.

- All abutting owners must sign the petition.
- Once the petition is received, the county commission proceeds as set out above to provide notice and conduct a hearing on the issue within 100 days of petition.
- If the county commission approves the vacation, it shall adopt the resolution required in *Ala. Code § 23-4-2*, file it in probate court, and publish notice of the vacation in the newspaper.
- The vacation divests all public rights and liabilities in the road, and vests title in the abutting landowners.
- The vacation shall not deprive others of their right to convenient and reasonable means of ingress and egress to and from their property.

***Ala. Code § 35-2-54 and § 35-2-55***

The owner or owners of lands abutting any road may also vacate the road through written instrument recorded in the same manner as conveyances of land. The requirements and procedures for vacation are virtually identical to those set out in *Ala. Code § 23-4-20*. However, the assent of the county commission is only required if the street or alley has been or is being used as a public road.

**Appeal of Vacation**

Any party affected by the vacation of a public road may appeal the county commission's decision to Circuit Court under *Ala Code § 23-4-5*.

- The appeal must be filed within 30 days of the governing body's decision to vacate the road.
- The appeal will not suspend the vacation unless the appealing party posts bond in an amount determined by the circuit judge.
- There are limited circumstances for appealing a decision **not** to vacate a road set out below.

**SPECIAL RULES FOR VACATION OF ROADS -- ACT 2014-333**

**New Public Hearing Requirement on Petitions to Vacate a County Road**

*Ala. Code § 23-4-20(a)* now provides that, when a petition to vacate a road or portion of a road is filed by abutting property owners, the county commission shall set a public hearing on the request within 100 days from the date the petition is received.

- Notice of the hearing shall be provided in the manner required for notice of meetings under the Open Meeting law.
- The notice must describe the road or portion of the road the petitioners are requesting be vacated.
- A copy of the notice shall be mailed to any abutting owner at least 30 days prior to the scheduled hearing.
- A copy of the notice shall also be mailed at least 30 days prior to the hearing to any entity known to have facilities or equipment (such as utility lines) within the public right-of-way of the road or portion of the road where vacation is requested.

The county commission is **not** required to take action on the petition following the public hearing. However, if the commission elects to take action, it shall follow the procedures it would follow in the event the vacation was initiated by the commission.

**Special Procedures when Motion Filed by Family Members**

As discussed above, *Ala. Code § 23-4-20(c)* requires that, in counties where the commissioners are elected by single member districts, any motion to vacate a road or a portion of a road pursuant to a petition filed by property owners must be made by the district commissioner in the district where the road lies. However, *Act 2014-333* creates a special procedure for such motions if the petition is filed by **all** members of the same immediate family.

- For the purposes of this section, "immediate family" means spouse, parent, child, sibling, or grandparent.

Under the special procedures, if the county commissioner from the district in which the road or portion of the road is located does not move to vacate within 100 days following the public hearing, the issue may be placed on a regular county commission meeting agenda if, within 30 days:

- (1) A written request to place the issue on the agenda is submitted to the county commission chair by a majority of other members of the county commission **and**
- (2) A copy of the written request is delivered to the commissioner in whose district the road or portion of the road is located at the same time the written request is submitted to the chair.

This procedure may only be used to place the issue on the agenda of a **regular county commission meeting**. However, when the issue is placed on the agenda under this procedure, a motion to approve the vacation may be made at the meeting at which the issue is debated by one of the members of the commission who requested the matter be placed on the agenda.

### **Special Appeal Rules for Vacating Certain Unpaved Roads**

If the county commission denies a petition to vacate filed by **all** owners of property abutting **all** sides of an unpaved road or alley from its beginning to the place where it ends, the owners may file an action in the circuit court requesting an order vacating the unpaved road or alley.

- The petition must be filed by **all** property owners abutting **all** sides of the unpaved road or alley from the beginning to the place where the unpaved road or alley ends.
- This procedure does not apply when the unpaved road or alley ends along a body of water.

Prior to any order for vacation being issued by the court, the county commission shall be granted an opportunity to present evidence establishing why the unpaved road should not be vacated.

The court may only issue an order for vacation upon an affirmative finding that:

- (1) **All** owners of the property abutting **all** sides of the unpaved road from its beginning to its end have joined as plaintiffs; **and**
- (2) Vacation of the unpaved road or alley will not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to their property.

In the event the court grants the petition for vacation, the order shall include a specific finding that the county is divested of all public rights and liabilities in the unpaved road or alley.

- The plaintiffs shall be required to post signs along the unpaved road or alley providing notice that the unpaved road or alley is privately owned and **not** maintained by the county.
- Vacation of the unpaved road or alley shall not take effect until and unless the signs are posted.

### **Vacation by Circuit Court**

*Ala. Code § 35-2-58 to § 35-2-61* authorize the circuit court to vacate a road, and sets out the procedures for such an action. Any person owning lands abutting the street or alley to be vacated may file the civil action, but **all** owners of land abutting the street or alley shall be made a party.

- This method still requires consent of all abutting landowners.
- The county shall be made a party defendant if the road is not in a municipality.

### **Vacation of Roads within Municipality**

Municipalities are governed by the same statutory procedures as counties for vacating streets within their jurisdiction. These procedures may not be used to vacate a county road which lies partially within the corporate limits of a municipality, and if the road is partially a city street and partially a county road, vacation can only be accomplished by procedures involving both governing bodies.

### **Vacation of Roads by Prescription**

In addition to statutory vacation of roads, it is possible for a road to be vacated or abandoned by prescription. This is frequently a difficult case to prove and will be carefully scrutinized by the courts. Unfortunately, there are no hard-and-fast rules regarding how a road is abandoned by prescription. For a good review of issues involved in determining whether a road has been abandoned by prescription, see *AG's Opinion # 2002-146*.

The county should be very careful in attempting to assert that a county road has been abandoned by prescription. In fact, it is recommended that, where the county desires to be relieved of responsibility for such a road, it satisfy the statutory procedures for vacation of the road to eliminate any doubt regarding the county's position with regard to the road.

The general principles for vacation by prescription are:

- A road abandoned by continuous nonuse for 20 years.
- Abandonment by nonuse for a shorter period may be allowed, such as when there has been construction of a new highway replacing the road.
- The burden of showing abandonment is on the party who asserts that the public has lost or surrendered their rights to use of the road.

### **ROAD CLOSINGS**

There are several Code provisions addressing road closures separate from the vacation statute. These provisions would apply for a temporary closure – where because of damage the road is not safe. If the county wants to permanently close the road, the proper procedure would be vacation. However, where the county intends to repair the road, these road closing procedures may be utilized.

#### **Closing by County Commission**

*Ala. Code § 23-1-3* authorizes the county commission to close public roads and, where possible, to make detour roads when deemed necessary or advisable due to road work.

- The state has the same authority.

Counties may also, by resolution, prohibit or restrict the operation of vehicles upon any roads as necessary because of deterioration, weather, etc.

- All restrictions must be posted, and the resolution is not effective until or unless such signs are erected and maintained.

The county commission also has extraordinary authority under *Ala. Code § 31-9-1 et seq.*, to act as necessary in an emergency to protect the public peace, health, and safety, and preserve the lives and property of the people.

### Are you “Closing” the Road?

It is important to distinguish between road “closings” and advising citizens of weather or other emergency conditions making the road temporarily “impassable”. As noted above, “closing” a county road requires affirmative action by the county commission, along with signage – and barricades – making clear that use of the road is prohibited. These actions are generally not realistic when a road becomes dangerous because of weather conditions. In these instances, the county typically does not take action to prohibit access to the road or roads (barricades), but should take action to publicly discourage use of the road or roads during or after the storm.

To address these issues, a group of county engineers, emergency management directors, and attorneys developed a suggested procedure for counties to utilize when there are weather or other conditions resulting in the county commission making a blanket announcement regarding the use of county roads. This suggested policy (*found at the end of these materials*) has been approved as recommended procedure by the Board of Directors for ACCA and ACEA.

### Closing by State

State troopers may close roads immediately by barricading them when they become dangerous on account of weather, road damage, or other cause. *Ala. Code § 32-5-16*. Under this section, the state trooper shall immediately notify the state transportation department of the danger, and the road remains closed until the hazard has been corrected and the road is ordered reopened by the state transportation department.

## ANNEXATION AND INCORPORATION

The question of who controls a county road once it is annexed into a municipality is complicated and has been the issue of much controversy and litigation. *Ala. Code § 11-49-80 and § 11-49-81* set out the specific procedures for the municipality to assume control and responsibility of an annexed road. However, the language of the statute is confusing and complicated. The statute was amended in 1995 in an effort to clear up some of the problems and relieve the county of some responsibility for roads annexed into a municipality. However, many issues remain unanswered and it is important to understand and follow the statutory requirements and procedures regarding annexed roads.

The 1995 amendments to *Ala. Code § 11-49-80* were enacted in part in response to the Alabama Supreme Court's holding in *Yates v. Town of Vincent*, 611 So.2d 1040 (Ala. 1992). In that case, the plaintiff in a negligent maintenance case had argued that both the county and the town were responsible for the annexed road and that the city could be sued for damages resulting from negligent maintenance. However, the Supreme Court held that there is no provision in Alabama's law allowing for “joint control” of a road, and that since the statutory procedures designed to allow a municipality to assume control of a county road annexed into its jurisdiction had not been followed, the county retained full responsibility for the road. In effect, the Court ruled that the procedures set out in *Ala. Code § 11-49-80 and § 11-49-81* must be strictly followed before a county is relieved from responsibility for the road.

Prior to the Supreme Court's ruling in *Yates v. Town of Vincent*, there had been a line of attorney general's opinions holding that the municipality assumed responsibility and control of roads annexed into its corporate limits. Shortly after the decision in *Yates* was released, the attorney general's office issued an opinion in effect overruling its prior opinions and applying the *Yates* holding in future opinions. See, *AG's Opinion # 93-298*. The Association of County Commissions of Alabama then worked on amendments to the statute which became law on July 7, 1995. The changes in the law applied prospectively, meaning that when considering whether a road annexed into a municipality is the responsibility of the county or the municipality, the first question asked must be when the annexation took place. The rules and procedures for roads annexed before and after July 7, 1995 are set out below.

### **Roads Annexed before July 7, 1995**

For annexations occurring prior to July 7, 1995, the county retains full responsibility for county roads in the newly-annexed area until and unless the statutory procedures for assuming responsibility and control in *Ala. Code § 11-49-80 and § 11-49-81* have been satisfied. Under those procedures, the municipality may assume responsibility for the road by resolution. Pursuant to *Ala. Code § 11-49-81*, the resolution shall state the reasonable charge to be paid by such county for being relieved of responsibility of the road.

- The resolution does not become effective until and unless the county commission pays or contracts to pay the sum designated by the municipality.

### **Roads Annexed after July 7, 1995**

Under *Ala. Code § 11-49-80*, the municipality generally assumes control and responsibility of a county road annexed into its corporate limits on or after July 7, 1995.

- This applies to roads the county has controlled and maintained for a period of one year prior to the annexation.
- This also applies to a road maintained by the county for less than a year when the roads were approved upon construction by a municipal planning commission of the annexing municipality.
- This does not apply to roads which were not the responsibility of the county prior to the annexation.

In addition to roads within the annexed property, if annexation results in a county road being outside the corporate limits of the municipality but bounded on both sides by the corporate limits, the county commission shall consent to the annexation of that road by the municipality. Once consent is given, the municipality shall annex that road and assume responsibility for the road.

### **Agreements on Road Responsibility**

The law does allow for a county and municipality to enter into an agreement regarding road responsibility which differs from the procedures set out above. *Ala. Code § 11-49-80(e)* clearly states that nothing in the law prohibits a county and municipality from "entering into a mutual agreement providing for an alternative arrangement" for responsibility of roads lying within the corporate limits of the municipality. This flexibility can be very important for counties because it allows them to negotiate with municipalities in the county to develop road responsibility agreements which work to the benefit of both the county and the municipality.

### **Other Exceptions to the Rule**

As if it were not already complicated, a few years after the Supreme Court's decision in *Yates*, the Alabama Court of Civil Appeals carved out what is, in effect, a narrow exception to the requirement for strict

compliance with the above-referenced statutory procedures. In *McCool v. Morgan County Commission*, 716 So.2d 1201 (Ala.Civ.App. 1997), the statutory procedures had not been satisfied, but it was undisputed that the city had exercised sole authority for the road since annexation, and both the city and the county acknowledged that the road had been the responsibility of the city since annexation. In this instance, the Court found that the entities had exercised consecutive, rather than concurrent control over the road, and ruled that the county was not responsible for maintenance of the road. ***Keep in mind that this holding will have very narrow applicability and should not be relied upon heavily.*** However, *McCool* does make clear that a municipality may assume responsibility for a road in ways other than by resolution – as by agreement with the county or by assuming exclusive control through actions.

### **Notice of Annexation**

In 2006, the Alabama Legislature enacted a law requiring a municipality to notify the Legislative Reapportionment office within seven (7) days of any annexation or de-annexation. See, *Ala. Code § 11-42-7*. This should provide a good resource for counties to know what property actually lies within a municipality and what roads have been “taken over” pursuant to *Ala. Code § 11-49-80*.

### **Police Jurisdiction and Municipal Planning Commission Changes**

A new law passed during the 2015 Legislative Session (*Act 2015-361*) provides that effective August 1, 2015, any alterations to a police jurisdiction or municipal planning commission based upon the annexation or de-annexation of property shall be effective only once a year on the first day of January for any annexation or de-annexation finalized on or before the preceding October 1. See, *Ala. Code §§ 11-40-10 and 11-52-30*.

The municipality is required to submit a map showing the boundaries of the municipal limits and its police jurisdiction of the municipality to the Atlas Alabama state website no later than January 1 of each year.

### **INCORPORATION**

The attorney general's office has held that the 1995 amendments to *Ala. Code § 11-49-80* deal only with annexation, not incorporation. See, e.g., *AG's Opinion ## 2000-07 and 97-02*. Therefore, a newly-incorporated municipality incorporated has not historically been required to assume responsibility for public streets where responsibility has been vested in the county commission.

However, in 2004, the Alabama Legislature amended the statute setting out procedures for incorporation of a new municipality, and included a provision that the newly incorporated municipality shall assume responsibility for all roads within its corporate limits within two years of the incorporation being final. *Ala. Code § 11-41-1*. This section provides that:

After August 1, 2004, any municipality incorporated under the procedures set out in this section shall assume responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets or parts thereof lying within the incorporated limits no later than 24 months after the incorporation is finalized.

## MODEL ROAD CONDITIONS POLICY

Following the winter storms of 2014, the Association asked its attorneys, county engineers and emergency management directors to take a look at the common practice of making public announcements that county roads are “closed” during ice and/or snow storms. The focus of the review was whether the terminology of “closing” county roads presents both a misunderstanding by the public as well as possible liability exposure for the county.

The major concern is vested in the provisions of Alabama law that establish a formal procedure to be followed when the county wishes to actually “close” a county-maintained road. This process involves the holding of a public hearing and the posting of notice at the road. Obviously, during times of inclement weather the county commission is not following this procedure because it is impractical. It could be argued, however, that the county’s use of the term “closed” somehow attaches an obligation to follow the legal procedures established in the law.

For this reason, the groups developed a suggested procedure for counties to utilize when there are weather or other conditions resulting in the county commission making a blanket announcement regarding the use of county roads. The policy focuses on announcing that the county-maintained roads are “impassable” rather than using the confusing legal term of “closed.”

This policy has been vetted through the Association of County Engineers of Alabama, Alabama Association of Emergency Managers and approved by the Board of Directors of the Association of County Commissions of Alabama. It is recommended that counties [review the attached policy](#) with your county attorney and strongly consider adopting and utilizing this procedure when weather conditions dictate that motorists should stay off the county roads.

The policy also provides an announcement that should be made when the weather conditions have improved. This announcement also contains a specific warning that the county cannot guarantee that all the conditions on all county roads are safe.

## Policy on Public Notice Regarding Blanket Conditions of County Roads and Bridges

### **PURPOSE:**

This policy shall be utilized by the \_\_\_\_\_ County Commission in order to effectively communicate the blanket conditions of county roads and bridges resulting from extreme weather conditions or other disaster events. The policy does not apply to other circumstances.

### **PROCESS:**

Should conditions warrant blanket communication regarding the conditions of roads and bridges, the \_\_\_\_\_ County Commission shall distribute such information through its County \_\_\_\_\_ (Engineer or Chairman).

### **ROAD and BRIDGE CONDITIONS:**

When conditions warrant, the public shall be notified of the following information:

***IMPASSABLE TRAVEL ADVISORY: Effective \_\_\_\_\_ all roads and bridges in \_\_\_\_\_ County should be considered IMPASSABLE until further notice. Members of the general public are advised that when roads and bridges become IMPASSABLE all travel should be suspended or delayed. Only emergency vehicles should travel on county roads and bridges until further notice.***

When conditions improve, the public shall be notified of the following information:

***RESUMPTION OF TRAVEL: Effective \_\_\_\_\_ conditions have improved and the previous IMPASSABLE TRAVEL ADVISORY for \_\_\_\_\_ County roads and bridges has been lifted. Because county officials cannot guarantee the conditions everywhere, drivers are reminded to use caution while traveling.***