

STATE OF TENNESSEE

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Opinion No. 06-054

Authority to Rename Public Roads

QUESTION

Who has the authority to rename public roads, including state routes and highways?

OPINION

The Tennessee General Assembly has control of public streets and highways within the State of Tennessee. The General Assembly delegated the authority to rename public roads and streets to local legislative bodies unless provided otherwise by law. Prior to this delegation, the General Assembly had already provided itself with the authority to rename any public road, street or highway within the territorial boundaries of the state under Tenn. Code Ann. § 3-2-112(a). Therefore, if the General Assembly chose to exercise its authority to rename a public street or highway, its actions would be controlling.

ANALYSIS

Control of the public streets and highways of the State of Tennessee resides primarily with the legislature. *BellSouth Telecommunication, Inc. v. City of Memphis*, 160 S.W.3d 901, 912 (Tenn.2004). However, the Tennessee General Assembly can delegate that control to local governments by proper legislative authority. *Id.*

In 1991 the General Assembly enacted Chapter 17 of the 1991 Public Acts of Tennessee. Section 1 of Chapter 17 acknowledges that the General Assembly has the authority “to take formal action to give a name to or to rename any road, highway, interstate highway, bridge, overpass, or other public structure, facility or property” but requires the General Assembly to take such action only through enactment of legislation or adoption of a joint resolution of the senate and the house of representatives. *See* Tenn. Code Ann. § 3-2-112.

In 1994 the General Assembly enacted Chapter 807 of the 1994 Public Acts of Tennessee to provide a uniform system of property addressing to facilitate Enhanced 911 service in each county of the state and to involve emergency communication districts in the addressing activity. At that time the General Assembly delegated the authority to name public and private roads and streets to the legislative bodies of counties for unincorporated areas and to municipalities within their incorporated boundaries *unless expressly provided otherwise by law*. 1994 Tenn. Public Acts, ch.

807, § 2; which is codified as Tenn. Code Ann. § 7-86-127(a). Section 7-86-127(a) and (b) specifically provide:

Street names and numbers. -- (a) Unless expressly provided otherwise by law, the authority to name public and private roads and streets, including roads and streets located within residential developments, and to assign property numbers relating to the roads and streets, is exclusively vested in the legislative bodies of counties for unincorporated areas, and municipalities within their incorporated boundaries; provided, that the exercise of this authority must be in a manner acceptable to the United States postal service.

(b) The legislative bodies of any county or municipality may delegate the authority provided under this section to the emergency communications district, if there be one; provided, that the legislative body shall approve road or street name changes made by the district under such terms as the legislative body may determine.

Tenn. Code Ann. §7-86-127.

When interpreting a statute, the role of the interpreting court is “to ascertain and give effect to the legislative intent.” *Sharp v. Richardson*, 937 S.W.2d 846, 850 (Tenn.1996). In construing statutes relating to the same subject matter, a court has a duty to avoid a construction that will place statutes in conflict and is to resolve such conflicts, whenever possible, so as to provide a harmonious interpretation of the laws. *Id.* In the absence of ambiguity, legislative intent is derived from the face of a statute, and the interpreting court may not depart from the “natural and ordinary” meaning of the statute’s language. *Hawkins v. Case Management Incorporated*, 165 S.W.3d 296, 300 (Tenn.2004). In addition to being bound by the plain language of the statute, the interpreting court is also bound by the general rules of grammatical construction. *Id.* Furthermore, the legislature is always presumed to know of its prior enactments; and, consequently, an interpreting court should find repeals by implication only when statutes cannot be construed harmoniously. *State v. Hicks*, 55 S.W.3d 515, 523 (Tenn.2001).

In its 1994 delegation of the authority to name and rename public and private roads and streets to facilitate the development of a uniform system of property addressing for Enhanced 911 service, the General Assembly clearly transferred to local legislative bodies the exclusive authority to name and rename public and private roads and streets within their respective local jurisdictions *unless expressly provided otherwise by law*. Tenn. Code Ann. § 7-86-127(a) and (b). It must be presumed that the General Assembly, when it enacted Chapter 807 in 1994, knew that it also has the authority “to take formal action to give a name to or to rename any road, highway, interstate highway, bridge, overpass or other public structure . . .” within this state, as acknowledged in Tenn. Code Ann. § 3-2-112(a).

According to the natural and ordinary meaning of the plain language of Tenn. Code Ann.

§ 7-86-127(a), the authority to name public and private roads and streets within their respective local jurisdictions is exclusively vested in local legislative bodies *unless expressly provided otherwise by law*. The 1994 delegation of this authority was done to facilitate the development of a uniform system of property addressing for Enhanced 911 service, but that delegation of authority is expressly limited by the unambiguous language of the statute itself. Since the General Assembly has control of public roads, streets, and highways within the State of Tennessee, it has the authority to rename any public road, street or highway within the territorial boundaries of the state if it chooses to exercise that authority as provided by Tenn. Code Ann. § 3-2-112(a).

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