

**Jackson County, Florida**  
**Policy and Procedures for Private Road Grading**

**Introduction**

The Jackson County Board of County Commissioners, hereafter “the Board”, recognizes the importance of ensuring safe ingress and egress by emergency service vehicles over all roadways in Jackson County.

In reference to private roads citing, in part, sections 125.01 and 336.02 of the Florida Statutes, the Office of the Attorney General of the State of Florida summarily concluded in AGO 73-222, *“A county cannot legally provide minor work or repairs on private roads and cannot expend county funds therefor. County road funds may be expended only for the construction, maintenance, or repair of public roads which are part of the county road system.”*

**Overview**

While county funds may not be used on private roads, AGO 99-15 provides, *“A county may furnish county road grading of private roads if provision is made for payment of all actual costs of such service by the owner of the private road to the county and if the board of county commissioners, in the exercise of the county’s home rule powers, determines that such a program serves a county purpose.”*

In addition to Jackson County, Florida, Code of Ordinances, Section 2-1 Dedication and acceptance of easements for public works projects on noncounty property, the Board has established the following policy and procedures for road grading operations on private roadways in unincorporated Jackson County.

This policy is not intended to conflict or compete with services provided by private-sector businesses.

**Project Cost and Funding**

Fees for grading operations will cover the operator’s current regular labor rate, including fringe benefits as well as equipment costs based on the current FEMA Schedule of Equipment Rates. Rates will be figured to the nearest half-hour with a minimum time of thirty (30) minutes and a maximum time of one hour. If approved, total cost must be paid to the Jackson County Road and Bridge Department, hereafter “the Department” prior to the commencement of grading operations by cash, check, or money order.

Fees may not be paid ahead to be held for future grading operations. Monies paid for services rendered will not be refunded.

**Limitations and Restrictions**

Grading operations will be limited to not more than two times in a fiscal year, with one of those times being after a rain event which causes unexpected road damage that could adversely affect emergency

service vehicles. Department staff will determine if the condition of the private road warrants grading operations.

Operators will not be diverted from their regular grading cycle to perform grading operations on private roads. Services are restricted to grading only and shall not exceed one hour of time. County maintained roads will take priority over private road grading.

Materials such as dirt or rock will not be provided, or spread, even if provided by property owner(s). No ditch work is to be provided under this program. Such alterations require a larger scope of work than is intended by this program.

Private roads will be considered and addressed individually and may not be combined on a single request form.

A request for grading operations is not a guarantee services will be rendered, and no promise is made or implied that services will be provided.

The Jackson County Board of County Commissioners and staff will not mitigate or insert themselves into any conflict between property owners regarding payment of fees. Should conflict arise, the project will be put on hold or abandoned altogether.

### **Request For Grading Operations**

Any citizen interested in requesting grading operations on a private road must be a property owner along the subject road, or intersecting road and who must traverse the roadway(s) for ingress and egress to and from their property. The following must be provided to the Department as part of the request process:

- Written request for road grading operations including areas of concern.
- Proof of road ownership by the requestor.
- Notarized Temporary Ingress and Egress Easement, which will be valid only for the fiscal year in which the easement is initiated. Department staff will prepare this document.

Forms are available at Jackson County Road and Bridge and on the County's website.

The Department will contact potentially impacted agencies including, but not limited to: Jackson County Fire Rescue, Jackson County Sheriff's Department, Jackson County School Board Transportation, J-Trans, residential waste removal providers, etc.

### **Project Review, Authorization, and Scheduling**

Department staff will verify the information submitted and present the request for a Public Works Project for Private Road Grading to the Board at the next regularly scheduled County Commission meeting. Upon approval Department staff will perform a site visit to determine if grading operations are necessary at that time. If it is determined to be so, every effort will be made to incorporate the private road into the operator's cycle when they are in that area again. It may be necessary to wait for a later cycle due to various circumstances and conditions that the Department must take into account when scheduling all work activities.