



July 23, 2024

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# Right of Way Construction

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Dear Reader:

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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 county 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 CTAS website material.

Sincerely,

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Table of Contents

<b>Right of Way Construction .....</b>	<b>3</b>
<b>Private Acts of 1981 Chapter 18 .....</b>	<b>3</b>

# Right of Way Construction

## Private Acts of 1981 Chapter 18

**SECTION 1.** Any person desiring to perform any type of construction or excavating within the right-of-way of any county road in Greene County, Tennessee, or to make an entrance, build a curb, gutter, or sidewalk, lay cables, pipe lines, or any other such improvements on or under a county road, must first make application to the superintendent of roads for approval of such construction or excavation.

### **SECTION 2.**

(a) In addition to the provisions of Section 1, prior to cutting or otherwise disturbing any public road or road right-of-way in Greene County, a private contractor must comply with the following requirements:

- (1) File an application for an excavation permit with the Greene County road superintendent, or other road commission employee designated by the road superintendent to receive the same;
- (2) Post a cash bond for the estimated cost of any damage to the public road or right-of-way, in an amount to be determined by the Greene County Road Superintendent or other designated employee, in an amount sufficient to guarantee that any road or right-of-way which might be disturbed will be repaired to as good or better condition as the road or right-of-way was in before any excavation or other disturbance was caused to the road or right-of-way;
- (3) Show proof of adequate amounts of liability insurance to protect the traveling public, or its property, from any damage that might come to the traveling public because of the excavation or the disturbance, of the public road or right-of-way;
- (4) Show proof that he, or his company, is bonded by a reputable bonding or insurance company or in the alternative show proof of sufficient financial capacity to qualify for bonding by a reputable bonding or insurance carrier; and
- (5) Agree to place signs or other markers at the site of any excavation, or other work, being done in a public road, or right-of-way, so as to comply with the Manual On Uniform Traffic Control Devices For Streets And Highways published by the Tennessee Department of Transportation.

(b) Any individual or concern, failing to comply with the procedures will be prosecuted for the offense of destruction of public property and/or sued for the amount of any damages caused to any public road or right-of-way and/or reported to the proper licensing authorities with any local, state or federal government or agency.

### **SECTION 3.**

(a) In addition to the provisions of Section 1, prior to cutting, or otherwise disturbing any public road or road right-of-way in Greene County, Tennessee, a city or utility district must comply with the following requirements:

- (1) Notify at least forty-eight (48) hours in advance of the expected beginning of work the Greene County road superintendent, or other road commission employee designated by the road superintendent of its desire to make a cut or other excavation in a public road or right-of-way;
- (2) Post a bond for the estimated cost of any damage to the public road or right-of-way, in an amount to be determined by the Greene County Road Superintendent, or other designated employee, in an amount sufficient to guarantee that any road or right-of-way which might be disturbed will be repaired to as good or better condition as the road or right-of-way was in before any excavation or other disturbances was caused to the road or right-of-way;
- (3) Show proof of adequate amounts of liability insurance to protect the traveling public, or its property, from any damage that might come to the traveling public because of the excavation or the disturbance, of the public road or right-of-way;
- (4) Agree to place signs or other markers at the site of any excavation, or other work, being done in a public road, or right-of-way, so as to comply with the Manual On Uniform Traffic Control Devices For Streets And Highways published by the Tennessee Department of Transportation.

(b) Any city or utility district failing to comply with the procedures will be sued for the amount of any damages caused to any public road or right-of-way and/or denied any future permits to cut or otherwise disturb a public road or right-of-way.

**SECTION 4.** In the case of actions or persons not covered by the provisions of Sections 2 and 3, the superintendent of roads may require a permit, application fee, or the posting of a bond by persons seeking

to make construction or excavation on or along a county road.

**SECTION 5.** The county superintendent of roads shall make all rules and regulations necessary concerning the requirements for approval of applications required by this act. No higher standards of construction, however, shall be required for application approval than the standard of construction required for the road department of the county.

**SECTION 6.** Any person violating the provision of this act is guilty of a misdemeanor and is subject to a fine of not less than \$25.00 nor more than \$50.00, unless a different penalty is provided, as in Section 2 and 3.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Greene County before October 1, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of the Greene County legislative body and certified by him to the Secretary of State.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: February 25, 1981.

**COMPILER'S NOTE:** Our information from the office of the Secretary of State is that this Act was properly approved by the Greene County Legislative Body on April 20, 1981, thus placing the same into effect.

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