



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IX - Highways and Roads

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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Chapter IX - Highways and Roads

Road Law

Private Acts of 2012 Chapter 34

SECTION 1. Chapter 634 of the Private Acts of 1935, as amended by Chapter 540 of the Private Acts of 1937, Chapter 269 of the Private Acts of 1937, Chapter 195 of the Private Acts of 1943, Chapter 267 of the Private Acts of 1949, Chapter 372 of the Private Acts of 1955, Chapter 28 of the Private Acts of 1959, Chapter 150 of the Private Acts of 1967, Chapter 182 of the Private Acts of 1967, Chapter 187 of the Private Acts of 1969, Chapter 286 of the Private Acts of 1972, Chapter 33 of the Private Acts of 1993, and any other acts amendatory thereto, is hereby repealed.

SECTION 2. For the purpose of providing an efficient system of roads, highways, and bridges and the building, construction, reconstruction, maintenance and repair of roads, highways, and bridges in Humphreys County, Tennessee, the office of County Road Supervisor for the County is hereby created.

SECTION 3. The County Road Supervisor shall be deemed to be the chief administrative officer of the highway department, which builds and maintains the roads of the county in accordance with the County Uniform Highway Law, codified at Tennessee Code Annotated, Title 54, Chapter 7, Parts 1 and 2, as amended from time to time. The County Road Supervisor shall have the qualifications, term of office, duties, powers, authority and minimum compensation as provided by the County Uniform Highway Law and shall be subject to the same limitations, conditions, prohibitions and punishments as provided in the aforesaid County Uniform Highway Law. Vacancies in the office of County Road Supervisor shall be filled in accordance with Tennessee Code Annotated, Section 54-7-107 and all other applicable law. The County Road Supervisor in office on the effective date of this act shall continue to serve until the expiration of his term. At the August election in 2012, and every four (4) years thereafter, the County Road Supervisor shall be elected by a majority of the qualified voters of Humphreys County.

SECTION 4. The County Road Supervisor shall be responsible for proposing a budget for the highway department, for maintaining the inventory of the highway department, for signing all contracts on behalf of the highway department, and for making all purchases for the highway department, except that all purchases and contracts of ten thousand dollars (\$10,000) or more must be approved by a majority of the County Legislative Body. The County Road Supervisor shall have the authority to make expenditures from the highway fund and to issue warrants drawn against the road fund of Humphreys County under his signature. All expenditures shall conform to the budget of the Humphreys County Highway Department as approved by the County Legislative Body. In performing these duties, the County Road Supervisor shall conform to all appropriate provisions of state law, including the County Uniform Highway Law, and to the appropriate local acts or resolutions. Should Humphreys County adopt some form of centralized purchasing pursuant to a local option general law or private act in the future, the provisions of this act as they relate to purchasing by the highway department shall be superseded by such act.

SECTION 5. All laws or parts of laws in conflict herewith are hereby repealed. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Humphreys County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body and certified to the Secretary of State.

SECTION 7. 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 6.

Passed: February 9, 2012.

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Humphreys County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1821, Chapter 6, was a statewide law which directed the Courts of Pleas and Quarter Sessions in every county to index and classify all the roads in their respective counties

- primarily according to the width of the road and the manner in which it was used. The width ranged from stage roads, the widest, down to those wide enough to permit the passage of horse and rider. Penalties were included for obstructing the roads and for a failure to comply with the terms of this Act. The Court was empowered to assign hands to keep the roads in good repair.
2. Private Acts of 1827, Chapter 241, was the authority for Joshua Williams, Dorsey P. Hudson, Wyatt Arnold, Thomas K. Wyly, and James Langford to open and cut a road from the south bank of the Tennessee River opposite Reynoldsburgh to Huntingdon in Carroll County. The road must be at least 30 feet wide and causewayed wherever the ground is swampy, and where the road crosses Cypress Creek a good bridge must be built. If the said road is out of repair for a period of three weeks, or longer, this condition must be reported by the Commissioners to the Humphreys County Court. The Act named Burwell Lashlea, Green B. Flowers, Jacob Browning, William Bloodworth, and James Rutherford as Commissioners for the said road who would exercise all the powers specifically granted to them in the law and by general statute.
 3. Public Acts of 1833, Chapter 48, Section 7, authorized George Greer to build a turnpike road from Reynoldsburgh to Paris, specifying the route to be followed and setting up construction specifications which must be met. In case the road and the bridges were not kept in a good state of repair, a suit could be filed against the proprietors in the Humphreys County Court. A schedule of tolls for the use of the road was included in this Act. Abel Rushing and Dorsey P. Hudson, both of Humphreys County, were named as the Commissioners for this road who would examine it and periodically report its condition. Any person living in Humphreys County and working on the roads within ten miles of the said road was excused from the payment of tolls.
 4. Acts of 1837-38, Chapter 290, appointed David Childress, John Massil, Isam Pavatt, Urbin Harris, Thomas Yates, Dismal Yates, A. Mathis, and Mitchell Childress, all of Humphreys County, and six citizens who were residents of Dickson County, as Commissioners, to sell stock of up to \$130,000, the proceeds of which would be used to build a macadamized, graded, graveled or sanded turnpike from Charlotte, in Dickson County, through Waverly to Reynoldsburgh in Humphreys County. All the essential details for the furtherance of the project were specified in the Act.
 5. Acts of 1849-50, Chapter 26, was the enabling legislation for James J. Wyly of Humphreys County to open a turnpike road from his ferry landing on the Tennessee River near Reynoldsburgh and running the nearest and most practical route to Trace Creek at or near John Barnfield's place, and thence up the valley of the creek to the forks of the road near Dr. Isaac Pavatt's place, a distance of about six miles. The road must be at least 20 feet wide, well-drained, and with a permanent surface of gravel. Wyly would be liable for damages done in the construction of the road and, when the road was completed, could set up a toll gate and charge the tolls stipulated in this Act. The County Court was directed to appoint a committee to inspect the road and report on its status at periodic intervals.
 6. Acts of 1851-52, Chapter 234, named John B. Jones, of Henry County, Willis Rushing, Howard Williams, and Irving B. Carnes, as commissioners for a turnpike road running from Paris in Henry County to Reynoldsburgh in Humphreys County authorized by Public Acts of 1833, Chapter 48.
 7. Acts of 1853-54, Chapter 103, incorporated James J. Wyly and authorized the corporation to build a turnpike road from the Tennessee River at Reynoldsburgh for a distance of 13 miles through Waverly in the direction of Charlotte in Dickson County; T. B. Gorin was also incorporated and authorized to run the same road from Wyly's terminus, for another 6 1/2 miles in the direction of Charlotte; J. H. Wyly was also incorporated and authorized to run the same road for another 6 1/2 miles beyond the end of Gorin's authorized road in the same direction. All the above were given the authority to erect toll gates on their segments of the road as soon as certain conditions were met. B. B. Spicer, C. E. Harris, V. S. Allen, _____ McCracken, and I. Luter were appointed as commissioners for the above named turnpike companies to lay out and supervise the construction of the roads.
 8. Acts of 1855-56, Chapter 184, Section 15, gave the authority to the owner or owners of land lying upon Duck River in the White Horse Bend in Humphreys County to so change the channel of the river so as to run it through a sluice known as the cut off of White Horse Bend.
 9. Public Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court would select one Road Commissioner for a two year term from each Road District in the County, the Road Districts being made co-extensive with the Civil Districts. The Commissioner would be sworn into office, bonded, and placed in charge of all public roads, bridges, and overseers in his district, and he would be compensated at the rate of \$1 per day not to exceed 10 days in one calendar year. The County Court would set the number of days between five and eight which the road hands

- would be required to work, and set a price on a day's labor. The Quarterly Court was permitted to levy a general road tax of two cents per \$100 property valuation for each day the road hands were compelled to work on the roads. Road Commissioners were to name the road overseers in their districts and supervise the overseers work on the portion of the road assigned to the overseer. Overseers would work the same number of days as road hands on the road, but would be paid \$1 per day up to \$6 for days over and above the compulsory number. All males between the ages of 21 and 45 were subject to road work. Road Commissioners had the power to hear and dispose of petitions to open, close, or change roads in their district. They would also classify and index the roads, and see to it that roads all met the basic specifications of this Act. This Act was involved in Carroll v. Griffith, 117 Tenn. 500, 97 SW 66 (1906).
10. Private Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, in many minor particulars. The principal amendment dealt with the procedures to be followed in the acquisition of rights of way for public or private roads especially when it became necessary to invoke and use the powers of eminent domain to obtain the property.
 11. Private Acts of 1915, Chapter 203, established a five member Highway Commission in Humphreys County and named W. B. Ridings, J. E. Fentress, James S. Anderson, James F. Fowlkes, and G. D. Ridings as the first members of the Commission. No Justice of the Peace would be eligible to serve, and the Quarterly Court would select their successors from the areas listed in the Act to two year terms. The Commissioners must be sworn into office, execute performance bonds, and would be paid \$2.50 a day, up to \$50 in one year, except the Secretary who would be paid up to \$100 a year. The Commission would meet on the first Saturday in January, April, July and October. They would have supervision over all the road projects in the County and the expenditure of road funds from all sources. They could employ a civil engineer to assist them at no more than \$300 annually, and they could purchase tools, materials, and equipment as needed. The offices of Road Commissioner and Overseer were abolished. All males between the ages of 21 and 50 must work five days on the roads or pay \$1 for each day missed. The Tax Assessor was directed to supply a list of road hands to the Commissioners. The County Court could levy a special road tax of not less than 10 cents nor more than 20 cents per \$100 property valuation to be used exclusively for the repair of pikes and their general upkeep, and an additional special tax of not less than 10 cents nor more than 35 cents per \$100 for working and repairing other roads. Petitions to open, close or change roads would be made to the Highway Commission.
 12. Private Acts of 1917, Chapter 50, established a five member Highway Commission to serve for two years, who could not be holders of any other office, one of which would come from each Civil District. They would be selected by the Quarterly Court and be paid \$2.50 per day for each meeting day up to \$50 each year, but the County Court would increase total annual payments to each to \$100 annually. The Commission would meet at least quarterly but was obligated also to meet whenever a meeting was properly called. They would be in charge of all road programs and funds, could purchase tools, materials, and equipment, and could employ a civil engineer at a salary not over \$300 a year, and such foremen as needed at \$1.50 per day. All males between 21 and 50 years of age were required to work 6 days on the roads each year or commute by paying \$5. Taxpayers were allowed to work out half of the general road tax which the Court could levy at no less than 25 cents and no more than 50 cents per \$100 property valuation.
 13. Private Acts of 1919, Chapter 661, created the office of "County Road Supervisor", who would be appointed by the County Judge and confirmed by the County Court for a term of two years, who must meet the qualifications specified in this Act, who must devote full time to the position, and who would be paid between \$1,500 and \$2,000 annually. The Supervisor would be in general overall charge of the county road programs. The Supervisor must keep an office at the county site, and could hire a clerk or a bookkeeper to assist him at a salary between \$40 and \$80 per month but which must in all cases be ratified by the County Judge. The Supervisor would lay off the road sections in the road districts, which were coextensive in the Civil Districts, over which he could appoint overseers or foremen for a term of two years. Road work would start on October 1 of each year, for which all males between the ages of 21 and 50 were required to work six, 8-hour days, or pay \$2 for each day missed. The County Court could levy a road tax of between 30 and 60 cents per \$100 property valuation for the roads.
 14. Private Acts of 1923, Chapter 493, amended Private Acts of 1919, Chapter 661, by establishing that said Road Supervisor's salary would be between \$600 and \$1,500 annually as set by the Quarterly Court, that he must meet all the qualifications stipulated in the act, devote full time to the duties of the office, and would be elected by the County Court to a one year term. The Quarterly Court would elect a County Road Advisory Commission of five citizen members to one year terms, and who would be paid \$3 per day not to exceed 12 days annually. All the necessary

- expenses of the Road Supervisor would be paid out of the general fund, but not until the voucher was approved by the Road Advisory Commission.
15. Private Acts of 1931, Chapter 691, amended Private Acts of 1919, Chapter 661, so as to provide that the salary of the County Road Supervisor would be paid out of the road fund instead of out of the county fund as was now being done.
 16. Private Acts of 1931, Chapter 748, amended Private Acts of 1923, Chapter 493, by adding a provision that the Quarterly Court at any regular or called session could appropriate to the Road Supervisor in addition to his salary, as extra compensation for the expenditure of State and County Aid Funds, an amount not to exceed one percent of the total amount of the funds received in any one year. The amount of allowed expenses for clerical help was raised from \$200 to \$400.
 17. Private Acts of 1933, Chapter 125, amended Private Acts of 1919, Chapter 661, by striking out "October" and inserting "January" in its place as the time road work would begin. The number of days of road work was reduced from six to four, the commutation price for one day's labor was changed from \$2 to \$1 and for wagons and teams from \$3.50 to \$1.50. The Quarterly Court was authorized to fix the amount of the hourly wage to be paid to drivers of wagons and teams.
 18. Private Acts of 1935, Chapter 105, provided that the County Road Supervisor in Humphreys County would be elected by popular vote at an election on Saturday, March 2, 1935, and would take office at the expiration of the term of the current Road Supervisor. He would serve until his successor, elected in the August, 1936, general election would assume the office for two years. No person would be eligible to serve in this office unless he met all the qualifications established by law.
 19. Private Acts of 1935, Chapter 174, amended Private Acts of 1935, Chapter 105, by adding a provision that all those voters who were eligible to vote in the Governor's election in November, 1934, would also be eligible to vote in this one. The election would be held under the same regulations and penalties as would be observed in a Sheriff's race in the County.
 20. Private Acts of 1937, Chapter 269, provided that no person would be subject to road work or road duty in Humphreys County.
 21. Private Acts of 1949, Chapter 267, set the annual compensation of the County Road Supervisor of Humphreys County at \$3,000, payable out of the road funds of the County. This Act was repealed by Private Acts of 1967-68, Chapter 150.
 22. Private Acts of 1955, Chapter 372, which was properly ratified by the Quarterly Court of Humphreys County, provided that the annual salary of the County Road Supervisor would be set by the Quarterly Court, but was not to be less than \$3,000 nor to exceed \$4,000, all of which would be paid out of the road funds of the County. This Act was repealed by Private Acts of 1967-68, Chapter 150.
 23. Private Acts of 1959, Chapter 28, amended Private Acts of 1955, Chapter 372, by raising the limits of the annual compensation of the County Road Supervisor to between no less than \$4,000 nor more than \$5,000 as fixed by the County Court. This Act was repealed by Private Acts of 1967-68, Chapter 150.
 24. Private Acts of 1961, Chapter 250, amended Private Acts of 1959, Chapter 28, by providing that in addition to the salary provided by the County for the Road Supervisor, he would also be reimbursed for expenses which were necessarily incurred by him in the performance of his duties in an amount which could not exceed \$1,000 annually. The County Judge would pay the expense account each month at the same time the regular salary was paid. This Act was rejected by the Quarterly Court and therefore never became an effective law because of the Home Rule Amendment to the State Constitution.
 25. Private Acts of 1974, Chapter 178, which was rejected by the Humphreys County Quarterly Court and never took effect, would have raised the annual salary of the bookkeeper, clerk, or secretary, from \$4,800 to \$7,000.
 26. Private Acts of 1935, Chapter 634, as amended by the Private Acts of 1937, Chapter 540, the Private Acts of 1937, Chapter 269, the Private Acts of 1943, Chapter 195, the Private Acts of 1949, Chapter 267, the Private Acts of 1955, Chapter 372, the Private Acts of 1959, Chapter 28, the Private Acts of 1967, Chapter 150, the Private Acts of 1967, Chapter 182, the Private Acts of 1969, Chapter 187, the Private Acts of 1972, Chapter 286, and the Private Acts of 1993, Chapter 33, which created the office of County Road Supervisor in Humphreys County was repealed by the Private Acts of 2012, Chapter 34, which rewrites the county road law to conform with the Tennessee County Uniform Highway Law.

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