



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

December 20, 2024

Chapter IX - Highways and Roads

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Table of Contents

Chapter IX - Highways and Roads 3
Culvert Piping 3
Private Acts of 1980 Chapter 218 3
Moving Structures on the Public Roads 3
Private Acts of 1985 Chapter 79 3
Road Law 5
Private Acts of 1937 Chapter 373 5
Highways and Roads - Historical Notes 8

Chapter IX - Highways and Roads

Culvert Piping

Private Acts of 1980 Chapter 218

SECTION 1. Notwithstanding any other provision of the law to the contrary, the Williamson County Highway Department is hereby authorized to sell culvert piping to individual residents of Williamson County. Such sales shall be designed to provide a uniform system of drainage along all highways in the county, and to promote flood control and the prevention of soil erosion.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Williamson County before December 31, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 3. 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 2.

Passed: March 5, 1980.

Moving Structures on the Public Roads

Private Acts of 1985 Chapter 79

SECTION 1. For moving any building or structure to be relocated within Williamson County the fee shall be two hundred fifty dollars (\$250.00) and the following procedure and regulations shall be adhered to:

(a) GENERAL - A building or part of any building shall not be moved through or across any street or highway within Williamson County without first obtaining a permit from the building commissioner.

(b) WRITTEN APPLICATION - Any person desiring to move a building or structure shall first file with the building commissioner a written application setting forth the following information:

- (1) Type and kind of building or structure to be moved.
- (2) The extreme dimensions of the length, height and width of the building or structure.
- (3) Its present location and proposed new location.
- (4) The approximate time such building or structure will be upon the streets, and contemplated route that will be taken from present to new location.

(c) BUILDING COMMISSIONER SHALL REJECT WHEN - If in the opinion of the building commissioner the moving of any building or structure will cause serious injury to persons or property or serious injury to the streets or other public improvements, or the building or structure to be moved has deteriorated more than fifty percent (50%) the moving of the building or structure will violate any of the requirements of the building or plumbing code or of the zoning regulations, the permit shall not be issued and the building or structure shall not be moved over the county highways.

(d) BOARD OF ADJUSTMENTS AND APPEALS HEARING -

- (1) A permit to move any building or structure to a location within Williamson County shall not be issued until the Board of Adjustments and Appeals finds, after public hearing, that the building or structure is structurally sound, that the condition of the building or structure does not constitute a hazard to life or limb, and that the building or structure shall be made to comply with the requirements and limitations of the regulations relating to the zoning and building codes of Williamson County.
- (2) Notice of the public hearing shall be mailed to the owner of the building or structure being moved, the owner of the site to which the building or structure is to be moved and all land owners adjacent to and across the road from the property where the building or structure is being moved not less than five (5) days prior to the hearing by the person applying for the permit.

(3) Plans shall be submitted which disclose such alterations, modifications or repairs as are necessary to secure compliance with the regulations relating to zoning and building or structure codes of the county. Also, a timetable of such repairs and alterations shall be submitted.

(4) In addition, if applicable, plans to restore the site from which the building or structure is moved must be submitted by the owner and approved by the Board of Adjustments and Appeals.

(5) The time to bring the structure into conformance with county standards shall not exceed one hundred twenty (120) days. However, the Board of Adjustments and Appeals may extend the time limit, upon appeal by the owner of the structure for cause, to whatever time it feels is necessary.

(e) BOND REQUIRED - The building commissioner as a condition precedent to the issuance of such permit, shall require a bond to be executed by person desiring such moving permit, with corporate surety to his satisfaction. Such bond shall be made payable to Williamson County and for such amount as he prescribes. It shall indemnify Williamson County against any damage caused by the moving of such building or structure to streets, curbs, sidewalks, shade trees, highways and any other property which may be affected by the moving of a building or structure. Such surety bond shall also be conditioned upon liable for strict compliance with the terms of the permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay said applicable governing body as liquidated damages an amount not exceeding fifty dollars (\$50.00) to be prescribed by the building commissioner and every day's delay in completing such removal or in repairing any damages to property or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby.

The mover must have liability insurance of one million dollars (\$1,000,000) or more.

Evidence of such insurance must be furnished to the building commissioner prior to moving structures.

(f) NOTICES TO BE GIVEN BY MOVER - Upon the issuance of the moving permit the mover shall cause notice to be given to the sheriff, all telephone or light companies, and all others whose property may be affected by such move. Receipt of such and any instructions, comments or notices shall be furnished by the mover to the building commissioner before the building or structure is moved.

(g) PUBLIC SAFETY REQUIREMENTS -

(1) The owner or person moving a building or structure shall employ at their expense, two (2) vehicles with safety equipment notices and flashing devices to be placed before and after the structure being moved to divert and caution traffic.

(2) No building or structure shall be moved before ten o'clock (10:00) p.m. or after six o'clock (6:00) a.m. and shall be moved to its final location in a time period not to exceed five (5) days after the building or structure has either been moved from its original location or has entered the county.

(3) Every building or structure shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

(4) There shall be a minimum of five (5) red lights on each street side of the building or structure. These red lights shall be attached to building or structure in such a fashion as to indicate extreme width, height, and size.

(5) The owner or person moving a building or structure shall obtain all necessary permits and meet all requirements of the state of Tennessee as defined in Title 55 of the Tennessee Code Annotated.

SECTION 2. For moving any building or structure or part of any building or structure through the county or removal from the county to be relocated outside Williamson County, the fee shall be two hundred fifty dollars (\$250.00) and procedures (a), (b), (c), (e), (f) and (g) above shall be followed.

SECTION 3. Trailers with widths of fourteen feet (14') or less and any building or structure used for agricultural or storage purposes with widths of less than fourteen feet (14') are exempt from obtaining moving permits.

SECTION 4.

(a) CAUSING DAMAGE TO PRIVATE PROPERTY - No firm, partnership, corporation or any other individual moving any building or structure, or part of any building or structure, through, into or out of Williamson County, Tennessee, shall deface, injure, or destroy private property in Williamson County, Tennessee.

(b) PENALTIES - Any company, firm, partnership, corporation or any individual who

violates this section shall be guilty of a misdemeanor with original jurisdiction in general sessions court for Williamson County, and upon conviction shall be punished by a fine of not less than twenty five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each separate offense or incident.

SECTION 5. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Williamson County before October 1, 1985. Its approval or nonapproval shall be proclaimed by the presiding officer of the Williamson County legislative body and certified by him to the Secretary of State.

SECTION 6. 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 take effect upon being approved, as provided in Section 5.

Passed: May 16, 1985

Road Law

Private Acts of 1937 Chapter 373

SECTION 1. That there be established a County Highway Department for the purpose of providing a more efficient system of laying out, building, reconstructing, repairing and maintaining the public roads and bridges in Williamson County with the power to make and promulgate all necessary rules and regulations to effectuate this policy. The County Highways in said Williamson County shall be classified as "County Highways" and "District Roads." The "Highways" shall consist of those highways which are specified and are presently known as "Pikes" of said counties, and also such main highways forming connecting lines between two or more highways of the present pike system, as may by the County Commission, on recommendation of the Highway Commission, be declared to be "County Highways" and made a part of the Highway System; and the "District Roads" shall consist of all other county roads in the various districts of the county.

Whenever said rules and regulations conflict with other private act or statute, the provisions of the other act or statute shall control.

As amended by: Private Acts of 1987, Chapter 70
Private Acts of 2005, Chapter 57

SECTION 2. (Repealed by 2017 amendment to Chapter 373 of the Private Acts of 1937)

As amended by: Private Acts of 1947, Chapter 153
Private Acts of 1949, Chapter 107
Private Acts of 1976, Chapter 292
Private Acts of 2017, Chapter 4
Private Acts of 2017, Chapter 19

SECTION 3. That the workhouse for the public prisoners of the county shall be used by, and be under the control and supervision of, the Board of Highway Commissioners of the county; and said prisoners shall be used in the construction, building, reconstruction, repairing and maintenance of all the highways, district roads and bridges of said counties, and the preparations of materials to be used thereon, and all authority of any existing Board of Commissioners, or other agency now having charge of workhouse hands or the county prisoners, is vested in said Board of County Highway Commissioners.

SECTION 4. That four (4) qualified and competent persons who are citizens of the county, and the County Judge, shall constitute the Board of Highway Commissioners. At the April Term 1969 the County Court shall elect two (2) Commissioners for a one-year term and two (2) Commissioners for a two-year term, and thereafter the County Court shall, at the April term each year, elect two (2) Commissioners for two (2) year terms, and shall have full supervision of the County Highway Department, control of all county highways, district roads, bridges, and the county workhouse; and they shall supervise the construction and maintenance of highways and bridges by contract, by hired labor, or by county convict labor or hands assigned by the County Court to work district roads, as, in their judgment, they deem best for the public welfare. When any work is done by a contractor he shall execute bonds in such sums as the Board of Highway Commissioners may fix, for the faithful discharge of his duty.

As amended by: Private Acts of 1969, Chapter 43
Private Acts of 1970, Chapter 206

Three members of said Commission shall constitute a quorum for the transaction of all business, the County Judge having an equal vote with each other member of the Commission upon all matters arising before it.

All vacancies on said Board shall be filled by an election held at a regular or special term of the Quarterly County Court.

The members of the Board of Highway Commissioners shall receive as compensation a sum to be determined by the local governing body.

As amended by: Private Acts of 1996, Chapter 151

The County Judge shall be Chairman Ex Officio of the Board of Highway Commissioners and shall make a report of all expenditures at each regular term of the Quarterly County Court and an annual report for the total receipts and expenditures for the entire year. Within five days after the election of said Board of Highway Commissioners by the Quarterly County Court, said Board of Highway Commissioners shall meet and organize and make whatever rules and regulations they may deem necessary in the government of their body and shall have power to adopt a competent system of accounting so that a complete record of all monies spent may be available.

Said Commissioners shall be required to meet once a month and may be called in session by the Chairman whenever he deems it necessary for the conduct of any business. It shall be the duty of the Board of Highway Commissioners to select a competent and qualified person to be known as County Highway Superintendent, who shall meet with them at all meetings, and whose salary shall be fixed by the Board of Highway Commissioners, and on his recommendation all employees of the Highway Department shall be selected by the Board; said Board to fix the salaries of all employees, but the Superintendent shall have the power to dismiss any employee from the Highway Department. Said County Highway Superintendent shall be elected biennially for a term of two years, provided, however, that he shall be removed from office at any regular or special meeting of the Board of Highway Commissioners when, in the discretion of a majority of the Commissioners, it is to the best interest of the county that he be removed. In such event a successor shall be elected by the Board immediately to fill out the unexpired term of the removed Superintendent.

Said Board shall elect a Secretary from its body whose duty shall be to keep in a well bound book the minutes of all meetings and business transacted by the Board.

SECTION 5. That the Board of Highway Commissioners shall take charge of all road machinery in the county, and shall cause an inventory to be made thereof and an appraisal entered by the Secretary. Said machinery shall be used for the best interest of all the roads in the county. Said Board shall have control of the disbursements of all funds collected by taxation or otherwise for the construction, reconstruction, repairs and maintenance of the highways, district roads and bridges, and for the maintenance and operation of the county workhouse. Warrants for disbursement of all funds shall be drawn on the County Trustee by the County Judge. It shall be permissible for the Board of Highway Commissioners to authorize the use of materials, equipment and personnel of the highway department for work on any property owned or used by the county, including county school properties, and upon any other property in the county which is open, either permanently or temporarily, to public use; such material, equipment, and personnel may be furnished gratuitously or a charge may be made therefor if not otherwise prohibited by law.

As amended by: Private Acts of 1973, Chapter 891

SECTION 6. That the Board of Highway Commissioners shall superintend the letting of all contracts for the construction or repairs of all bridges, and for the purchase of all necessary road machinery, tools, trucks, automobiles or other supplies.

SECTION 7. That the Board of Highway Commissioners may purchase road materials, such as stone and gravel in the quarry or gravel beds by private agreement with the owner without advertisement: Provided, however, that a maximum scale per yard for such purchase shall first be established with the approval by the Quarterly County Court.

SECTION 8. That the Board of Highway Commissioners shall at their regular meeting, let all contracts for building or repairing or for machinery or supplies and shall pass rules for the management and control of the workhouse for county prisoners, the auditing of all accounts, the settling with contractors and the transaction of such other business as may be required of them in the performance of their duties as such Commissioners.

SECTION 9. That each member of the Board of Highway Commissioners shall execute a good and solvent

bond in the sum of Five Thousand (\$5,000.00) Dollars, each, for the use of Williamson County, conditioned upon the faithful performance and discharge of their duties as County Highway Commissioners; said bond shall be approved by the County Court and the premiums of said bonds shall be paid by the Board of Highway Commissioners out of such road funds as the County Court may direct.

SECTION 10. That the County Court of counties coming under the provisions of this Act shall at the time of making the annual budget of the county provide amply for the upkeep and maintenance of the county workhouse. The workhouse or public prisoners of the county shall be used in repairing or building highways or roads of the county, or preparing materials therefor.

SECTION 11. That the general overhead expense, the salaries of all assistants and other items of expense not otherwise provided for shall be charged to the highway as a part of its general expense fund, and shall be paid out of the highway fund.

SECTION 12: [Repealed by Private Acts of 1943, Chapter 431.]

SECTION 13. That the Board of Highway Commissioners is given the power to proceed to designate main traveled roads with a view of giving good cross connections between highways of the present highway system, which are deemed of sufficient importance, to be included in the highway system, to be maintained out of the Highway Fund, provided, however, that no such district roads may be made a part of the highway system until such action has been approved by resolution of the Quarterly County Court.

SECTION 14. That whenever the said Board of Highway Commissioners find (sic) it necessary, or advisable, it shall have the power to reduce curves or grades or otherwise improve roads selected and designated as a part of the highway or district road system and to acquire the necessary rights-of-way therefor, either by donation by the owner of the land through which said highway shall run, or by agreement between such owner and the Commission, or by the exercise of the power of eminent domain, which is hereby expressly given to the counties embraced within the provisions of this Act. Provided, however, that the general course of any road may not be changed until such action shall have been approved by resolution by the Quarterly County Court.

SECTION 15. That the Board of Highway Commissioners shall have the right to condemn in the name of the county to which this Act applies, under the laws of eminent domain all lands necessary for the location of highways, district roads, bridges, rock quarries, gravel beds and other materials necessary for building and repairing and maintaining the same, in the manner provided for the taking of private property by public corporations and shall also have the power to condemn private property for roads of ingress and egress to rock crushers, rock quarries, gravel beds, setting machinery, road camps, etc. The method of procedure shall be as set out in Section 3109 to 3132 of the 1932 Code of Tennessee. The cost of any such condemnation, and the jury's award shall be paid by the Commission out of the highway funds.

SECTION 16. [Repealed by Private Acts of 1943, Chapter 431.]

SECTION 17. That the Board of Highway Commissioners shall have authority to cooperate with the Department of Highways & Public Works on all matters; but such work shall be reported to the Quarterly County Court as a part of its program and subject to the approval of the County Court, and after such approval the Commission shall have authority to provide all necessary rights-of-way, etc., all of which is to be paid for as the County Court may direct.

SECTION 18. That any petition for the opening, changing, closing or acceptance of roads as County Roads, shall be directed to the Board of Highway Commissioners and the petition shall describe the road in detail, giving the termini, length, course and width, and shall be accompanied by a map thereof drawn to scale, and may include such other matters as the petitioner or petitioners may urge upon the Commissioners and the County Court for the acceptance of said road as a county road. It shall be the duty of the Board of Highway Commissioners, upon said petition being filed with them, to investigate the advisability of opening or changing such road, and submit a written report to the County Court showing the assessed value of property abutting thereon, the amount of travel taken care of by said road, and such other matters as would throw light upon its importance as a county road. The Commission shall then at the next term of the Quarterly County Court make its recommendation as to whether the road should or should not be accepted as a county road, or opened, or closed, or changed, and the Quarterly County Court may take such action as it deems best. The original petition and map submitted by the petitioners shall remain on file in the office of the County Judge.

SECTION 19. That each section, subdivision and paragraph of this Act is hereby declared to be a separate and independent clause from any other section, subdivision or paragraph hereof, and in the event any clause, sentence, paragraph, section or subdivision hereof should be declared, by a Court of competent jurisdiction, to be illegal, invalid or unconstitutional, it shall not render invalid the remaining part or parts of this Act; it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part so held invalid.

SECTION 20. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

SECTION 21. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 4, 1937.

Highways and Roads - Historical Notes

Highways and Roads

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

1. Acts of 1807, Chapter 50, was the authority for William McKey, of Williamson County, to turn the public road, generally called the Tower Road leading from Franklin to Nashville in a manner so as to cross the Harpeth River with the upper road and pursue that route as was allowed by the Jury appointed by the County Court of Williamson County until it intersects the lower road. McKey must open and clear the road at his own expense but the road shall be considered as a public road in Williamson County.
2. Acts of 1821, Chapter 6, required the Courts Of Pleas and Quarter Sessions of every county to index and classify the roads in the county into one of three distinct classes, ranging from the stage road down to one wide enough for a horse and rider. Provision was made for mile marking, clearing, and bridging. Provision was made for mile marking, clearing and bridging.
3. Acts of 1825, Chapter 200, named Randal McGavock, Joseph Woods, Matthew Bowen, William Lewis, Robert Weakley, Thomas Bradley, Christopher E. McEwen, John McAlister, James Swanson, John Watson, John C. Wormley, James P. Peters, James Black, Edward B. Littlefield, Matthew Rhea, and William J. Frierson, as commissioners to open books and sell stock up to \$100,000 to build a turnpike road from Nashville to Columbia by way of Franklin, which would be incorporated as the Nashville Turnpike Company. The Commissioners would lay out the route and the elected President and Directors would provide for its construction.
4. Acts of 1826, Chapter 192, Chapter 168, amended Acts of 1825, Chapter 200, to direct the commissioners previously authorized to lay out the road from Nashville to Columbia by way of Franklin to mark out the road from Nashville to Franklin after the first meeting of the stockholders, and, when \$15,000 has been raised from the stock sales, that portion of the road may be started. The commissioners could still solicit funds for the remainder of the road of Columbia.
5. Acts of 1829, Chapter 205, appointed Randal McGavock, John Watson, James Swanson, Lawrence Bryan, Joseph Wood, Robert B. Currey, Henry R. W. Hill, Robert Weakley, William Hadley, Christopher E. McEwen, John C. McLemore, and Phillip Pipkin, as commissioners, to open books and sell stock up to \$75,000 to build a turnpike between Nashville and Franklin. Shares were set at \$25 each, and when as much as \$5,000 was subscribed, the stockholders would hold a meeting at Franklin, at which time a corporation could be formed to be known as the Franklin Turnpike Company. Construction and operation restrictions and requirements were specified in the remaining sections of this Act.
6. Acts of 1829, Chapter 269, stated that, whenever any person, firm, or corporation, organized for opening a turnpike in the counties of Williamson, Davidson, and Rutherford, should make known to the Court of Pleas and Quarter Sessions in the counties through which the road would pass, that they would not proceed to open the said road on terms agreeable to their charter, it would be lawful for the said Court to grant upon the terms of the original charter all or any part of said road not completed to any person, or persons, applying therefor, but that portion of road shall not be less than five miles.
7. Acts of 1829, Chapter 287, incorporated Spencer Buford, John Swainey, Gabriel Buford, and Lawrence Bryan, as the West Harpeth Turnpike Company granting to them all the rights and privileges incidental to turnpike companies. The Company may mark, clear out and turnpike the main road leading from Franklin in Williamson County to Columbia in Maury County, starting at Franklin and ending at the West Harpeth River in the same way and manner as the turnpike from Nashville to Franklin.
8. Acts of 1831, Chapter 68, stated that all persons who shall become stockholders were hereby incorporated as the Franklin and Columbia Turnpike Company and as such would enjoy all the powers and privileges and would assume all the obligations of Acts of 1829, Chapter 205, Page

159, regarding this particular highway. The capital stock was limited in the beginning to 4,000 shares at \$25 each.

9. Acts of 1832, Chapter 147, amended Acts of 1831, Chapter 68, to name Christopher E. McEwen, Gilbert Marshall, Joseph Crockett, John S. Russworm, William White, and John Watson of Williamson County; James Patterson and Spencer Clack of Giles County; and, Col. William Pillow, Allen Ramsey, Thomas Mahon, John Miller, David Craig, and Abram Looney, of Maury County, as commissioners charged with the obligation to lay out and designate the route along which the road, previously authorized to be built, will run, provided the route shall be the shortest and best one from Franklin to Columbia, passing through the town of Spring Hill in Maury County.
10. Acts of 1833, Chapter 87, required that the Commissioners who were to extend and locate the road from Franklin in Williamson County to Columbia in Maury County to make a point in the said road at the place in Williamson County called Cotton Port. This Act amended Acts of 1831, Chapter 68.
11. Acts of 1833, Chapter 255, extended the time for commencing the work on the road known as the Franklin and Columbia Turnpike until November 30, 1835 and the time for completion of the said road was set for November 30, 1840. H. L. Douglas, James Woods, Anthony Johnson, Samuel Seay, and William Nichol, were named as commissioners to open books and receive stock subscriptions for the road in Nashville.
12. Acts of 1835-36, Chapter 14, incorporated all subscribers to the stock of the Franklin and Columbia Turnpike Company and granted to them the powers, privileges, and liabilities of the Franklin Turnpike Company as set forth in Acts of 1829, Chapter 205 and Acts of 1831, Chapter 68. The commissioners who would run and mark the route of the road were William P. Campbell, Thomas Hardeman, and William Flemming, of Williamson County, and John Watson, William McKissack, Garrett S. Voorhies, John Smiser, Thomas Mahon, all of Maury County.
13. Acts of 1837-38, Chapter 162, increased the capital stock of the Franklin and Columbia Turnpike Company to any amount less than \$150,000 the same to be determined by the officials of the company.
14. Acts of 1839-40, Chapter 146, provided that so much of the Franklin and Columbia Turnpike road as had been laid out and constructed upon the way selected by the officials of the said road between Franklin in Williamson County and the bridge over Rutherford's Creek in Maury County would be as legal and lawful as if constructed on the route first marked. The Company would also be entitled to all rights and benefits as if the turnpike had been constructed upon the ground originally marked.
15. Acts of 1869-70, Chapter 52, incorporated the Nolensville and Wilkerson's Cross Roads Turnpike Company to sell stock up to \$35,000 to build a turnpike road from Nolensville in Williamson County to Wilkerson's Cross Roads in Rutherford County. When \$5,000 in stock had been sold a meeting was to take place in Kedron Church in Rutherford County. This company would possess the same rights as the Franklin Turnpike Company created by Acts of 1829, Chapter 205.
16. Acts of 1869-70, Chapter 111, commissioned John Lytle, W. G. Garrett, J. Todd, H. C. Bartley, Joseph King, John King, James King, Jr., and Joseph Holloway to sell stock in a 99 year corporation with an authorized initial capital stock of \$100,000, to build a turnpike road from Murfreesboro in Rutherford County to Triune in Williamson County. The subscribers would be incorporated as the Murfreesboro and Triune Turnpike Company.
17. 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 Quarterly County Court of each County would elect one Road Commissioner to serve a two year term from each Road District in the County. Road Districts were made co-extensive with the Civil Districts. The Road Commissioner must be bonded and sworn, and would have general supervision over all the roads, bridges, hands, tools, and materials assigned to his District for which he would be compensated at the rate of \$1 per day but not to exceed ten days in one year. The County Court would set the number of days between five and eight which road hands would be compelled to work each year. The County Court would also levy a special road tax of two cents per \$100 property valuation for every day the road hands had to work on the roads. The District Commissioners must appoint an overseer in their areas who would be the immediate supervisors over designated sections of road, work the same number of compulsory days as everyone else did, and then be paid up to \$6 per year for their extra labor. All males outside of cities between the ages of 21 and 45 were subject to compulsory labor on the road system. District Road Commissioners would hear and dispose of petitions to open, close, or change roads, would classify and index the roads in their districts into the four classes according to width . This act was amended by Acts of 1903, Chapter 533, and

- both Acts were involved in the case of *Carroll v. Griffith*, 117 Tenn. 500, 97 SW 66 (1906).
18. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but substantially changed the provisions in regard to the handling of petitions to open, close, and change roads especially where the exercise of the power of eminent domain was to be a part of the process.
 19. Private Acts of 1905, Chapter 540, stated that all turnpike companies in Williamson County which have only one tollgate located on their respective roads would be permitted to remove and relocate the toll-gate to any point on their roads no nearer to an incorporated city, or town, than was allowed by their Charters, but they could not place them between a city and a public road, nor could they be removed any distance greater than 300 feet from their present location.
 20. Private Acts of 1907, Chapter 517, was the authority for the County Court of Williamson County to levy and collect a general road tax which could not exceed 20 cents per \$100 property valuation to be collected as any other taxes were. The tax could not be levied except by a two-thirds vote of the Quarterly Court and the proceeds must be placed in a "Special Road Improvement Fund" and spent only for those purposes, and then only when two-thirds of the Court approve. The Court was directed to appoint by a two-thirds vote a Commissioner, or Commissioners, to prescribe their duties of supervision and inspection of the road program, and to require them to render reports at stated intervals on the conditions of the road system. No funds could be appropriated for road improvements until the Commissioners had reported the necessity and the court had approved the same. Commissioners would be paid as the Court directed and the Court could by two-thirds vote, terminate the program and transfer the balance of any money into the general fund.
 21. Private Acts of 1909, Chapter 123, amended Private Acts of 1907, Chapter 517, by inserting a provision in Section 3 which required the funds in the road improvement account to be apportioned as nearly as possible in the same ratio to the area from which they were collected. Sections 4 and 5 were changed to make the Commissioners serve two year terms and to classify them as special road commissioners.
 22. Private Acts of 1909, Chapter 252, was the authority for the Quarterly Court of Williamson County to compensate the Bridge Commissioners of the County, not exceeding five in number, but the compensation shall not be more than \$1.50 per day for each of the Commissioners for each day worked in this capacity. The Court could appropriate and pay this money from the regular and general funds of the County.
 23. Private Acts of 1909, Chapter 383, declared that, where steam railroads have been, or may be, built on, across, or alongside, turnpike roads in Williamson County, the turnpike companies could remove and rebuild their roads on different lines so as to avoid dangerous proximity to the railroads, and for that purpose they might resort to the power of eminent domain as provided by law.
 24. Private Acts of 1911, Chapter 232, provided that whenever a turnpike company operating in Williamson County sold a part of its road to the county, the company could establish new and additional tollgates on the part of their road in adjacent counties, but all tollgates shall be at least four miles apart. If the tollgates had not been up for 15 years, or over, and were at least between four and five miles apart, they could remain in operation. This Act was repealed by Private Acts of 1917, Chapter 129.
 25. Private Acts of 1911, Chapter 253, amended Private Acts of 1907, Chapter 517, by inserting the proper population figures from the 1910 Census to keep the Act in force in Williamson County.
 26. Private Acts of 1911, Chapter 261, was the enabling legislation for the Franklin and Lewisburg Turnpike Company, a Tennessee Corporation, to remove and relocate its second and third tollgate on its turnpike south of Franklin at a point not more than 1¼ miles south of their present location, but no closer than 5 miles to any of its other tollgates. The Company was granted the same rights and privileges at the new locations as they possessed at the old ones.
 27. Private Acts of 1913, Chapter 135, gave to any turnpike company which undertook the reconstruction and regrading of as much as a mile of its roadbed the right to collect toll during the reconstruction period for one year from the commencement of the grading only. The managers of the company were required to give notice to the Pike Commissioners and to give a report every six months showing that all the money received from the tolls during the reconstruction period had been spent on the road. This Act was repealed by Private Acts of 1917, Chapter 89.
 28. Private Acts of 1913 (Ex. Sess.), Chapter 49, amended Acts of 1901, Chapter 136, Section 5, by increasing the commutation fee to be paid by the road hands in Williamson County from 75 cents

- per day to \$1 per day, which money would be used to employ labor upon the road section to which the commuting road hand was assigned. The Road Overseer was obligated to report to the County Trustee on commutation money received and spent and to turn over to him any remaining.
29. Private Acts of 1915, Chapter 169, provided that any turnpike company which had abandoned, or would thereafter abandon, a part of its road, could re-establish and relocate its tollgates on the part of its road which remained but did not permit the erection of any additional toll-gates and the relocation of the tollgates could not be nearer to each other than was permissible under the Charter of the Company.
 30. Private Acts of 1919, Chapter 359, authorized the Williamson County Quarterly Court at its July meeting in 1919, and every two years thereafter in January to elect a Road Commissioner from each Road District which were the same as Civil Districts who would hold office for 2 years. The Road Commissioners would have the general supervision of all public roads, bridges, and overseers in the District, must be residents of the area and skilled in road building, must be sworn and bonded, and would be guilty of a misdemeanor if they didn't serve, when appointed, or wilfully neglected their duty. The Court had the power to levy a road tax of 2 cents per \$100 for each day the road hands were compelled to work, two-thirds of which could be worked out, for all of which accurate records must be kept. Overseers, appointed by the Road Commissioners for each section of road to supervise the work and the road hands, would serve without compensation. Males between the ages of 18 and 50 must work the number of days set by the Quarterly Court or pay a \$2 per day commutation fee. Owners of teams and wagons had to pay \$3 per day not worked. Roads had to be indexed and classified, could be opened, closed, or changed when the proper procedures were used. Authority was granted to contract portions of the work out when desirable and to designate roads as county highways. The court was empowered to levy a tax up to twenty cents per \$100 valuation for maintenance. This Act was repealed by Private Acts of 1923, Chapter 396.
 31. Private Acts of 1919, Chapter 517, authorized the incorporated turnpike companies in Williamson County to change the location of their rights of way at places not exceeding one mile from the corporate limits of each town and to relocate them to provide safer and more convenient entrances into the towns. To accomplish these purposes the companies were allowed to acquire land both by purchase and condemnation proceedings.
 32. Private Acts of 1919, Chapter 654, stated that all turnpike companies in Williamson County which have only one tollgate on their roads could relocate the tollgate to any point on their roads but no nearer to an incorporated city than was permitted under their Charters, and further, not to be placed between the town and a public road nor moved more than 800 feet from its present location.
 33. Private Acts of 1920 (Ex. Sess.), Chapter 50, amended Private Acts of 1919, Chapter 359, the Williamson County Road Law, by requiring the County Court at the July term in 1922, and at the January term thereafter to elect a Road Commissioner from each Road District which were the same as the Civil Districts, to serve two years, to have charge and general supervision over all public roads, bridges, and overseers in the District. The Commissioners must be citizens, freeholders, skilled in the business of road building, sworn and bonded before entering office, and who would be guilty of a misdemeanor if they didn't serve when appointed or neglected their duty. The Commissioners would be paid as the Court decided but not over \$50 for any one civil district. The Court would set the number of days the road hands were compelled to work between six and ten. A special road tax of one cent per \$100 property valuation for each day of compulsory labor, two-thirds of which could be worked out on the roads, and all of which must be spent in the District from which it originated, but other road funds could be divided. Overseers were appointed by the Commissioners for one year, would be paid \$2 a day up to \$10 a year after first working the compulsory days as anyone else worked them without compensation. Males, outside of cities, between the ages of 18 and 50 must work the established number of days on the roads, or pay a commutation fee which was \$3 per day for the owners of wagons and teams who wished to commute. Prisoners could be worked on the roads but only as the Court and the law permitted. Commissioners could contract the work out and dispose of petitions filed to open, close, or change the road. Commissioners were to be paid the same as Justices of the Peace. The County Court could levy a special ad valorem tax of not more than twenty cents on the \$100 for the establishment and maintenance of county highways.
 34. Private Acts of 1921, Chapter 695, set up a schedule of tolls which the owners of the turnpikes in Williamson County could charge for the use of their particular road. The schedule ranged from five cents for a motorcycle to \$1.25 for a five ton truck with intermediate charges and weights in

between.

35. Private Acts of 1923, Chapter 45, declared that the State Highway Commission would not have the right or power in any proceeding now pending, or which might be brought thereafter, in Williamson County, to impose on that county any expense for the purchase, or condemnation, of rights of way, or for the construction and maintenance of the roads without the consent of the said county being given through its County Court. This Act was declared unconstitutional because it suspended the operation of a general law for the benefit of one particular county in the case of *Berry v. Hayes*, 160 Tenn. 577, 28 S.W.2d 50 (1930).
36. Private Acts of 1923, Chapter 310, was the authority for all turnpike companies in Williamson County to remove and to relocate any tollgate on their respective turnpikes, provided, however, that no tollgate could be relocated under this Act within two miles of the corporate limits of any town or nearer than five miles to any other tollgate.
37. Private Acts of 1923, Chapter 396, repealed Private Acts of 1919, Chapter 359, and substituted: At the next January term of the County Court, a four member County Highway, Bridge, and Workhouse Commission would be elected by the Court to serve two year terms with the County Judge to be an ex-officio member and Chairman. The members must be citizens, skilled in the business of road building and maintenance, would have the charge and control of the county roads, bridges, and workhouse and be paid \$100 a year and transportation. Overseers may be hired for sections of the road at \$4 per day. Prisoners could be worked on the roads in conformity with the law, and a special road tax could be levied not to exceed ten cents per \$100 property valuation. Provision was made for the County Court, beginning in January 1924, and every 2 years thereafter, to elect a Road Commissioner from each district, who would have supervision over public roads and bridges (except county highways and county bridges). Roads must be classified and indexed by the Commissioners and road hands assigned to them. The Court could fix the number of days of compulsory labor between four and six for road hands, and between 2 and 5 for wagons and teams. A special road tax of two cents per \$100 could be levied for each day of compulsory labor. Materials must be purchased pursuant to the terms of this law on which the County Judge must report to the Court. Penalties were provided for the obstruction of roads. This Act was repealed by Private Acts of 1935, Chapter 666.
38. Private Acts of 1927, Chapter 806, declared that in Williamson County the County Court, acting through its officers, or proper authorities, would have and could exercise the right and privilege of expending the general road funds, or any portion thereof, in any Road District, or Civil District, as might in its judgment be most needed to furnish a complete system of roads, it being the intention of this Act to allow the road authorities to spend funds in other Districts of the county than those in which the funds were collected.
39. Private Acts of 1929, Chapter 333, Private Acts of 1919, Chapter 359, by placing a period after "subject to road labor" and by revising the commutation fee for wagons and teams to the payment of \$3 per day. This Act is of questionable validity as the Legislature repealed the underlying Act in Private Acts of 1923, Chapter 396.
40. Private Acts of 1933, Chapter 744, amended Private Acts of 1923, Chapter 396, by rewriting the first paragraph of Section 4 to provide that at the regular August election in 1934, and every two years thereafter, one Road Commissioner would be elected in each Road District, which was co-extensive with the Civil Districts of the county, who would be in general charge and supervision over all the public roads, bridges, (except county highways and county bridges) and overseers in that District. The Commissioners were required to be citizens, freeholders, skilled in the arts of road building, and maintenance, and elected by the people of their District. This Act was repealed by Private Acts of 1935, Chapter 666.
41. Private Acts of 1935, Chapter 666, repealed Private Acts of 1923, Chapter 396, and Private Acts of 1933, Chapter 744, and then enacted a new Road Law for Williamson County which established a County Highway Department and classified the roads of the County, setting up minimum widths for the standards of classification. A general road tax between 8 and 15 cents per \$100 must be levied to support the road system. The Workhouse would be under the control and supervision of the Board of Highway Commissioners who would make the prisoners available to work on the roads under the regulations and law pertinent to them. The county was to be divided into three zones from each of which one member of the Board would be elected for a 2 year term at the August election, but no State, County, or City employee was eligible to serve. This Act named Glenn Overby, Oscar Warren, and Will C. Lanier, as the first Board, who were given the authority to employ a County Road Superintendent to run the Department at a salary not to exceed \$1800 annually. The Commissioners would be paid \$500 annually at the rate of \$41.40 per month. Procedures to remove Commissioners and to fill vacancies were included in the Act. The powers

and authority of the Commissioners were generally specified including the authority to disburse funds collected by taxation for road purposes. All males between 21 and 45, living outside of cities, were subject to working four days, each of 10 hours duration, or pay a \$3 commutation fee. All petitions to open, close, change or accept, roads were to be heard and investigated by the Commission. The Commission would report its findings to the quarterly county court for decision.

42. Private Acts of 1935 (Ex. Sess.), Chapter 113, amended Private Acts of 1935, Chapter 666, by adding to Section 19 giving the authority to the Board of Highway Commissioners to contract with the State Department of Highways for the expenditure by the State of the funds received by the county for use on the highways and bridges of the county. Such contract was authorized to secure federal aid through the Works Progress Administration. The terms of any contract were placed within the discretion of the Board. This Act was repealed by Private Acts of 1937, Chapter 650.
43. Private Acts of 1970, Chapter 209, was to amend Private Acts of 1937, Chapter 373, as amended to increase the maximum rate of tax for the general road tax from 50 cents to \$1 per \$100 property valuation. This Act was not ratified and never became effective.

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-ix-highways-and-roads-20>