



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Road Law

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 (Repealed by 2017 amendment to Chapter 373 of the Private Acts of 1937)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

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