



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

Expenses

Private Acts of 1959 Chapter 364

COMPILER'S NOTE: See Section 5 of Chapter 53, Private Acts of 1985, which sets a per diem while this statute sets an expense allowance.

SECTION 1. That in counties of this State having a population of not less than 18,755 nor more than 18,855 by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court is authorized to appropriate to the Road Commissioners of said county a sum not to exceed six dollars (\$6.00) per meeting to defray the expenses incurred by them in the discharge of their official duty and in their necessary travel.

SECTION 2. That in all counties identified above, the Quarterly County Court is authorized to appropriate to the County Supervisor of Roads a sum not to exceed one hundred dollars (\$100.00) per month to defray the expenses incurred by him in the discharge of this official duty and his necessary travel.

SECTION 3. That this Act shall be void and of no effect unless within six (6) months from the date of final legislative action therein the same shall be approved and ratified by a two-thirds vote of the Quarterly County Court of any county to which the matter applies. Its approval or nonapproval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 19, 1959.

Road Law

Privates Acts of 2019, Chapter 16

SECTION 1. Chapter 38 of the Private Acts of 2018, and any other acts amendatory thereto, are repealed in their entireties.

SECTION 2. The County Mayor shall appoint the Dickson County Highway Engineer, subject to confirmation by the county legislative body. The appointed Highway Engineer's term begins on the earlier to occur of a vacancy in the office and September 1, 2022.

SECTION 3. The Dickson County Highway Engineer shall serve under the direction of the County Mayor.

SECTION 4. The Dickson County Highway Engineer shall have the qualifications, term of office, salary, duties, take an oath of office and make a bond, and be replaced in the event of a vacancy in the office as set forth in the Tennessee County Uniform Highway Law, compiled in Tennessee Code Annotated, Title 54, Chapter 7. Any vacancy in the office of Dickson County Highway Engineer shall be filled by the County Mayor, subject to confirmation by the county legislative body.

SECTION 5. Nothing in this act shall be construed as having the effect of removing the duly elected Highway Engineer from office or abridging the term of the currently serving Highway Engineer prior to the end of the term for which such official was elected.

SECTION 6. This act shall have no effect unless it is approved by a two thirds (2/3) vote of the legislative body of Dickson 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 as provided in Section 6.

Passed: May 10, 2019.

Highways and Roads - Historical Notes

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

1. Acts of 1804, Chapter 1, authorized the County Courts to take charge of the public roads in the county and the ferries, and to decide on the location of bridges. The procedures and methods to be observed in the process of establishing and maintaining roads were mentioned in the Act. The county courts had the authority to appoint Commissioners for roads and to levy taxes to accomplish the above described purposes.
2. Acts of 1821, Chapter 6, required the County Courts of each county to classify and index all the public roads in their respective counties. The three classes of roads were distinguished by the width and surfacing material. The widths ranged from stage roads down to one wide enough to pass a horse and rider on the way to mill or market. Penalties were included for willfully obstructing roads and for a failure to abide by the terms of this Act.
3. Acts of 1831, Chapter 259, named several Commissioners who were residents of Davidson County who were obligated to open books and subscribe stock up to \$60,000 to build a turnpike road from Nashville to the Western District by way of Charlotte in Dickson County.
4. Acts of 1837-38, Chapter 241, named William J. Carter, Samuel Adkerson, and Joseph Sewter, of Davidson County, and Epps Jackson, James Larkins, Jr., Benjamin C. Robertson, Thomas W. Overton, Joab Hardin, James Christian, and John James Hardwicke, all of Dickson County, as Commissioners, to sell stock up to \$130,000 to build a graded, graveled, or sanded turnpike from Charlotte in Dickson County to the termination of the Nashville and Charlotte Turnpike now being built to the top of the hill about one mile from Elijah Robertson's place, in the direction of Charlotte.
5. Acts of 1837-38, Chapter 290, Chapter 423, appointed Augustin Roberts, J. P. Hardwicke, Henry A. C. Napier, William Norsworthy, Absalom Massie, and John Eubank, all of Dickson County, and eight citizens of Humphreys County to sell stock not to exceed \$130,000 to build a graded, graveled, or sanded turnpike, or one which was macadamized, from Charlotte through Waverly to Reynoldsburgh, in Humphreys County. All the organizational details of the company to be formed and the regulations to be observed in the sale of the stock were included in the act.
6. Acts of 1845-46, Chapter 70, nominated as Commissioners to sell stock, Robert McNeilly, William A. James, Jacob Hardin, Thomas McNeilly, and John C. Collier, of Dickson County, and four additional commissioners from Davidson County. The authorized capital stock was set at \$10,000 which would be used to build a road between the western terminus at Atkinson's Road and the City of Charlotte.
7. Acts of 1851-52, Chapter 361, incorporated William J. McClelland, and authorized him to construct a turnpike road to begin at Charlotte and run in the direction of Waverly, in Humphreys County, for a distance of six miles, to a place known as the Gulley Farm. The road must meet all the specifications on the degree of grade permissible and on the width of the road at specified places. Anyone injured by the construction of the road must be recompensated with adequate amounts of money. The road must be started within two years and completed in five years, with toll gates authorized to be installed at points along the road at which the rates of passage stipulated in the Act could be charged. All acts of non-compliance could be punished with fines, or other appropriate penalties.
8. Acts of 1859-60, Chapter 46, Section 12, incorporated Robert H. Williams, William M. Shelton, William W. Stewart, John F. House, Thomas Ramsey, William J. Holmes, J. T. Richardson, J. T. Johnson, and Thomas W. Wisdon, and their associates, under the style of the Clarksville, Cumberland, and Charlotte Turnpike Company. The incorporators were scheduled to meet and organize in Clarksville when \$2500 in stock had been subscribed and paid in. The road would run from Clarksville, or from Port Royal Turnpike, or from Madison Street near the residence of Cave Johnson in the direction of Charlotte in Dickson County.
9. Acts of 1867-68, Chapter 65, was the legal authority to move the tollgate nearest Nashville back to its place on Brown's Hill, or to some place within three-fourths of a mile from that spot. Authority was granted to sell the lot and the gatehouse of the toll being moved and apply the proceeds on the acquisition of a new one. All the above was on the Nashville and Charlotte Turnpike.
10. 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 in the County would select one Road Commissioner to serve two years from each Road District in the county, the Road Districts being co-extensive with the civil districts. These Road Commissioners would be sworn into office, bonded, and be in charge of all the roads, bridges, road hands, tools, and materials situated in the said area. The commissioners would be compensation at the rate of \$1.00 per day but for no more than 10 days each year. The County Court would determine the number of days a road hand would be required to work which would be no less than five, nor more than eight, and fix the price of one day's labor for commutation purposes. The County Court could levy a general road tax of two cents per \$100 property valuation for each day the road hands were ordered to work. The Commissioners would name and supervise the Road Overseers in their Districts. The Overseers were to be in immediate charge of a particular section of road in the District. They would work the same number of compulsory days as others did but would be paid at the rate of \$1.00 per day for all labor over that up to \$6.00 per annum. All males, outside of cities, between the ages of 21 and 45, were required to do the above road work. The commissioners would dispose of petitions to open, close, or change roads, would classify and index the public roads when necessary and would continuously inspect to see that the roads met the minimum specifications enunciated in the law. See Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66, (1906), for some judicial observations on this act.

11. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but dealt primarily with the method of acquiring rights of way especially when the power of eminent domain was to be used.
12. Private Acts of 1913 (Ex. Sess.), Chapter 82, permitted Dickson County to purchase any turnpike road, or toll road, which would then be dedicated to the use of the public without charge. A general road tax of 20 mills could be levied in order for the same roads to be purchased, and the authority was likewise given to issue up to \$25,000 in bonds at an interest rate of 5%, or less, and to mature no later than 20 years from the date of issue. The proceeds generated by the tax levy, or the bond sales, could not be used for any other purpose. The power and authority conferred herein would be exercised by the Quarterly Court of Dickson County always in the very best interests of the people.
13. Private Acts of 1919, Chapter 161, created a County Highway Commission in Dickson County, composed of Joe B. Weems, E. H. Stone, N. H. Eubanks, Pete Hensley, and C. H. Williams, who would serve until the general August election in 1920 could produce their successors taking office when other county officials did. Joe B. Weems was named as Chairman of the Commission and as County Road Super-visor. Two of the Commissioners would come from the northern section of the County, two from the southern section, and one would be elected at large. The Commission would meet at the call of the Chairman and exercise the powers granted them in the supervision of the roads of this Department. The duties of the chairman, who would also be the Road Supervisor, of the Secretary of the commission, and of the other members were specified in the Act. They would have the same authority over privately owned roads and pikes as the County Court had. They would name a Deputy Supervisor of Roads in each civil district to serve for two years who were to supervise and inspect the roads in their Districts and render periodic reports on their condition. Restrictions were placed on the obstruction of the roads and their willful, or negligent damage, for which specified penalties and fines could be imposed. Workhouse prisoners could be worked under some circumstances, and all males, outside cities, between the ages of 21 and 50, must labor six full, nine-hour days on the roads. Special provisions were included for the owners of wagons and teams, how must pay \$2.00 per day if they desired to commute. Laborer's commutation fee was \$1.00 for each day missed. A general road tax could be levied of no less than fifteen cents and no more than 30 cents per \$100 property valuation, and a maintenance tax of 15 cents per \$100 could be imposed when needed. The Commission could borrow money under certain conditions but could not pay more than 6% interest. The Chairman would be paid from \$350 to \$800 annually and the members would receive \$3.50 per meeting.
14. Private Acts of 1920, Chapter 115, amended Private Acts of 1919, Chapter 161, in Section 16, by reducing the mandatory labor on roads from six days to four days and made it the duty of the owner of a wagon and team to present the same for work at a place designated by the Road Supervisor; by revising the definition of a wagon and team to include some who were apparently escaping this responsibility. The commutation rate for both the teams and wagons and the road hands was increased, but the minimum tax rate of the general road levy was reduced from 15 cents to 10 cents per \$100 property valuation. Section 24 was rewritten to give the Highway Commission the authority to deal with the State for the improvement of the Dickson County roads, and to issue up to \$150,000 in bonds in order to take advantage of the aid available from the State and Federal people.

15. Private Acts of 1921, Chapter 414, established rates of toll for any auto, or motor driven vehicle, using the roads of incorporated turnpike companies, or the toll roads with authority to install toll-gates. Twenty-five cents per vehicle was the toll on each five mile section of road and fifteen cents on each vehicle coming and going on the same day, or night. This Act was applicable only to Dickson County.
16. Private Acts of 1925, Chapter 321, amended Private Acts of 1920, Chapter 115, above, by striking out that act's amendments to Private Acts of 1919, Chapter 161, and restoring that act's provisions to the original language, insofar as the original act provided for the furnishing of teams and wagons for road work. The bond authority given was not affected by this Act.
17. Private Acts of 1927, Chapter 761, amended Private Acts of 1919, Chapter 161, Item 13, above, in Section 10, by striking the provision for the District Road Supervisor to be given a warrant book to draw warrants on the general road fund collected in the District, provided the same was countersigned by the Chairman of the Highway Commission. Section 25 was amended to provide that reports be made on a quarterly basis instead of semi-annually.
18. Private Acts of 1933, Chapter 287, repealed all laws in conflict with this one which presumable would include Private Acts of 1919, Chapter 161, Item 13, above. This Act created a County Highway Commission, a Secretary of the Highway Commission, and the post of county Road Supervisor. The Highway Commission would be made up of five members, selected by the County Court from each of the areas specified in the Act, who would serve until January's first Monday, when their successors elected by popular vote would take over in 1934, and every four years thereafter. The Commission would elect the Road Supervisor, who could not be a member of the Commission, or be holding any other county, or state, office, who must be at least 25 years old and experienced in road building. The Road Supervisor would serve for one year beginning in each January. He would be sworn, bonded, and compensated annually at no less than \$1,000 nor more than \$2,000, payable in equal monthly installments out of the road funds of the county, the salary being fixed by the Quarterly Court at its January meeting each year. The Road Supervisor would operate the Department of Roads, employ its personnel, and, with the purchasing committee of the County Court, buy supplies, up to \$250 without the Committee, but with them on all purchases exceeding that amount. The Supervisor could work the prisoners on the county road under certain conditions and assign road hands to Districts. The Highway Commission could limit the weight to be hauled on the roads and penalize those who violated it. The Quarterly Court could levy a general road tax of twenty cents per \$100 property valuation, and could elect a Secretary for the Commission who must be competent for the job and be paid a salary not to exceed \$40 a month who would keep all the records of the Commission and assist them in every way necessary to good road management.
19. Private Acts of 1933, Chapter 879, exempted all the citizens of Dickson County from any road service, either personally, or by furnishing a team or equipment.
20. Private Acts of 1945, Chapter 274, expressly and entirely repealed Private Acts of 1933, Chapter 287, the Road Law for Dickson County.
21. Private Acts of 1945, Chapter 327, formed a County Highway Commission, created the positions of Supervisor of Roads and of Secretary to the Commission, and to the Road Supervisor. The Highway Commission would have six members elected for two years in August, 1946, from the specified Civil Districts on the second Monday in September, 1946, and every two years thereafter a Road Supervisor would be elected, who must be at least 25 years old but no more than 65, with a good understanding of the building and maintenance of roads, who would devote full time to the duties of this office and could not hold any other. The present commissioners and Road Supervisor were continued in office until the others could be elected. The Commissioners would select a chairman from their own members and meet at least six times each year but no more than twelve to exercise general supervision over the programs for roads, to prepare maps, to lay out, index and classify roads, who would be sworn and bonded, and be paid \$4.00 for each day's service. The Road Supervisor would draw no less than \$1,000 nor more than \$2,500, the exact amount to be fixed by the Quarterly Court at its October meeting, would be in immediate charge of the Department, employ its personnel and fix their salaries. The Supervisor would be in charge of the material, tools, and equipment of the Department and was required to cooperate with all the purchasing procedures of the County. No warrants were to be issued unless the money was on hand to pay for them. The Commission and Supervisor could dispose of requests to open, close, or change roads, and regulate the use of roads and the weight to be transported on them. Workhouse prisoners could be used on the roads if certain specified conditions were met. The Commission could elect a Secretary at a salary up to \$60 a month who must also be sworn and bonded. All vacancies were to be filled in the same manner as the original appointments. This

- Act was repealed by Private Acts of 1969, Chapter 32.
22. Private Acts of 1947, Chapter 675, amended Private Acts of 1945, Chapter 327, above, in Section 6, to charge the County Road Supervisor with the laying out and classifying of the various county roads, and to prepare maps of the same, subject to the supervision and approval of the Highway Commission. Section 9 was changed to remove the requirement that the road foremen must do some kind of labor and also the necessity of the Quarterly Court to approve the purchases made by the Highway Commission and the Road Supervisor. Section 15 was altered to raise the salary of the Secretary from \$60 to \$100 per month.
 23. Private Acts of 1949, Chapter 230, amended Private Acts of 1945, Chapter 327, in Section 3, to provide that on the first Thursday in August, 1950, and every four years thereafter, the people would elect a Supervisor of Roads for four years, starting on September 1, following the election. The present incumbent would hold office until September 1, 1950. The Supervisor must be no less than 25 years old and no more than 65, and qualified for road construction and maintenance work, and could hold no other public office. Section 8 was amended to increase the Supervisor's annual salary from \$2,400 to \$3,600 and added a provision that the same could not be changed during the term for which the Supervisor was elected. Section 9 was changed to provide that all purchases over \$500 must be first approved by a committee of the County Judge, the County Court Clerk, and the County Trustee.
 24. Private Acts of 1967, Chapter 63, amended the Dickson County Road Law by substituting a whole new Section 3 to provide that all purchases in excess of \$1,000 before being valid must be approved by a committee consisting of the county Road Supervisor, and the six county Highway Commissioners, or a majority of them.
 25. Private Acts of 1967-68, Chapter 424, proposed a new road law for Dickson County but was rejected by the Quarterly Court and never became effective under the Home Rule Amendment to the Constitution. The management of the Road Department would be by a County Road Superintendent elected at the general election in August, 1968, for a four year term beginning September 1, 1968, and without any limitations on the number of terms to be served. The annual salary would be equal to that of the County Court Clerk as fixed under Section 8-2403, Tennessee Code Annotated, which would be paid out of the County Road Fund. Any vacancy would be filed by the Quarterly Court until the next general election. The Superintendent would be sworn into office and must execute a bond for \$10,000. He would be the head of the Highway Department and have general control over the various activities thereof. The Superintendent would determine the total number of employees in the Department, set their hours of work and compensation, and otherwise establish personnel policies, keeping such books and records as might be necessary. He would have the authority and control over all machinery, tools, equipment and supplies, keeping accurate and regular inventories of them. All purchases over \$1,000 must be approved by a committee of three members of the County Court, the Road Superintendent, and the County Judge, and must be on a competitive basis. Any obstructions to roads could be removed on order of the Superintendent.
 26. Private Acts of 1969, Chapter 32, established the County Road Law for Dickson County, provided for an elected Road Commission. Each magisterial district was to elect one Road Commissioner for a term of two years. The act also provided for an elected County Road Engineer to serve a term of four years. This act received local approval and was the basic road law for Dickson County until repealed by Chapter 53 of the Private Acts of 1985.
 27. Private Acts of 1972, Chapter 342, amended Private Acts of 1969, Chapter 32, in Section One by changing the seven Commissioners provided for therein to a Commissioner from each of the magisterial districts of the county; rewrote Section 2 to set the term of the Road Commissioners at two years beginning on September 1, following their election, and Section 3 was changed to make a majority of the Commissioners a quorum instead of the five originally mentioned. The act received local approval.
 28. Private Acts of 1974, Chapter 258, was not approved by the Quarterly Court and was thereby rendered null and void. This Act set up a road system consisting of one Chief Administrative Officer and three Commissioners in Dickson County. The Chief Administrative Officer would be the County Road Supervisor elected at the regular August general election in 1974, and every two years thereafter but members of the Commission were to be selected by the Quarterly Court for two year terms. The Commissioners were to be sworn into office and bonded, would meet and organize by selecting a Chairman and a Vice-Chairman. The Commission would advise with the Road Superintendent, assisting him in his long range planning and in classifying and indexing the public roads, was given the authority to open, close, or change the public roads and to keep detailed records of all transactions in regard thereto. The Purchasing Committee was made up of

the County Judge, the Road Superintendent, and a member of the County Court and were required to approve all purchases in excess of \$500. The Act would have repealed Private Acts of 1969, Chapter 32, as amended.

29. Private Acts of 1978, Chapter 301, amended Private Acts of 1969, Chapter 32, the Dickson County Road Law in Section 5 to increase the per diem of the Road Commissioners from \$12 to a minimum of \$25 with a provision that that amount could be increased by the Resolution of the County Court. The act received local approval.
30. Private Acts of 1988, Chapter 139 authorized the county legislative body to designate routes on the county roads for the use of new business or locations for producing a mineral product, and to provide speed limits on such roads. The act also provided for notice, public hearings, route plans and civil penalties for violators. This act was not acted on by December 1, 1988, and, pursuant to T.C.A. § 8-3-202, it is null and void and of no effect whatsoever.
31. Private Acts of 2002, Chapter 99, amended Private Acts of 1969, Chapter 32. The act was not adopted by the county legislative body. Private Acts of 1969, Chapter 32, was repealed by Private Acts of 1985, Chapter 53.
32. Private Acts of 2017, Chapter 14, would have repealed Private Acts of 1985, Chapter 53, to abolish the County Highway Commission and office of the County Highway Engineer. The act was not adopted by the county legislative body.
33. Private Acts of 1985, Chapter 53, was repealed by Private Acts of 2018, Chapter 38.
34. Private Acts of 2018, Chapter 38, was repealed by Privates Acts of 2019, Chapter 16.

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