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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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Private Acts of 1929 Chapter 201

SECTION 1. That Chapter 73 of the Private Acts of 1913 and all amendments thereto be, and the same are hereby repealed and the present road overseers will make their final settlement with the Judge of the County Court not later than March 20, 1929, and turn over to the Commissioner of Highways for said County all books, papers, tools, money and other effects of the County which are in their hands.

SECTION 2. That all roads heretofore laid out by statute as public roads and have been declared by law to be public roads, outside of incorporated towns, be, and the same are, declared to be public roads when classified under this Act, but no road which is not taken charge of and classified under this Act shall be considered as a public road; and all public roads are hereby declared to be the property of the County.

SECTION 3. That the Quarterly County Court at its April term, 1929, the Magistrates of each district preparing and filing a classified road map or sketch of the roads in their respective districts, shall classify the various public roads in the County.

This classification shall be as follows:

- (a) State Highways.
- (b) Improved Public Roads.
- (c) District Roads.

All roads when classified and declared to be public roads by the Quarterly County Court at its April term, 1929, or any succeeding term, shall be under the supervision and control of the Commissioner of Highways except where the State Highway Department has taken over the maintenance and control of the State Highways.

SECTION 4. That no citizen of said Counties, either inside or outside the incorporated towns, shall be subject to road labor, except the Commissioner of Highways shall have the authority to request assistance from the citizens living upon any district road to assist in the improvement of the road at such time as the Commissioner may have funds and material available for the improvement of said road.

SECTION 5. That all road work upon all of the improved roads and district roads of the County shall be under the supervision and control of the Commissioner of Highways for said County and in the improvement and maintenance of the improved roads and district roads the Commissioner of Highways shall have authority to employ such assistants as in his judgement may be necessary and pay them such salary as to him may seem advisable and which would be proper and customary for the amount of work desired. All amounts paid by the Commissioner of Highways to be paid by warrant of the County Judge, upon requisition issued by Commissioner of Highways.

SECTION 6. That all applications to open, change, or close a highway shall be made to the Judge or Chairman of the County Court by petition who shall, within ten days thereafter, appoint three disinterested householders or freeholders and citizens of the County who shall, within ten days after such appointment, notify the person first named on the petition of the date on which they will be present at the beginning point mentioned in the petition to act upon the application. Five days written notice of the date and beginning point shall be given by the petitioners to all resident persons owning or controlling any land to be affected by the proposed change or new road, as the case may be, and non-resident persons whose lands will be affected thereby shall be notified by publication as now provided by law. It shall be the duty of the said three Commissioners to attend at the appointed time and place and, if the proper notices have been given to the interested parties, they shall first take and subscribe to an oath to view out the said proposed new road or change to be made without favor or prejudice toward any person interested and with a view to doing justice to all parties concerned, to the best of their ability. They shall then act upon the application, lay out the said road or change if they think it advisable, assess damages if in their judgement there should be any, and report their action to the next quarterly term of the County Court; and with their report they will file the original petition, the notices, and all other papers in their possession pertaining to said work. The Quarterly Court shall consider the whole matter and make just such order opening, changing or closing the said road as they deem most advisable, and they shall appropriate a sufficient amount of the Countys funds to pay the cost of said proceeding and damages to landowners or other persons affected by such change. Any person aggrieved by the action of the County Court shall have the right to appeal to the next term of the Circuit Court; provided, he shall perfect his appeal within ten days after the decision of the County Court by giving bond or taking the pauper oath. The Commissioners shall each receive one dollar per day for their services.

SECTION 7. That the Commissioner of Highways in his discretion shall have authority to recommend the

opening, closing, changing or relocating of any of the district roads of the County, and such recommendation when transmitted to the Judge of the County Court, shall be treated as a petition under Section (6) hereof.

SECTION 8. That the Commissioner of Highways in the discharge of his duties over the district roads shall have full authority to employ all necessary engineering help, to locate, relocate, map and designate all of the district roads in the County, and shall have the authority to make all property owners set back their fences to such point as will allow the improvement of the road in proper manner to be maintained.

SECTION 9. That the Commissioner of Highways for said County shall, for his services in looking after the district roads above placed under his care, receive as compensation the sum of \$50.00 per month to be paid from the road fund of the County.

SECTION 10. That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

SECTION 10a. That this Act shall apply to each county in the State having a population of not less than 36,200 nor more than 36,265, according to the Federal Census of 1920, or any subsequent Federal Census.

As amended by: Private Acts of 1929, Chapter 488..

SECTION 11. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 19, 1929.

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