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Road Improvements

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

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Road Improvements

Private Acts of 1913 Chapter 32

SECTION 1. That in counties having a population of one hundred ninety thousand inhabitants, or more, according to the Federal census of 1910 or any subsequent Federal census, the supervision, control, and management of the public roads in said counties shall be vested in, and become a part of, the powers of the Board of County Commissioners.

SECTION 2. That the working of said public roads, the repairing of same, the opening of new roads, or the changing of old roads - in short, the entire care and control of the public roads in said counties - shall be under the jurisdiction of the Board of County Commissioners, who shall have full authority in said matters, except as hereinafter provided, together with the right to employ such person or persons to superintend the working of said roads or to work on said roads as, in their judgment and discretion, they deem right and proper.

SECTION 3. [Deleted by Private Acts of 1931, Chapter 220].

SECTION 4. [Deleted by Private Acts of 1931, Chapter 220].

As amended by: Private Acts of 1921, Chapter 242,
Private Acts of 1925, Chapter 422.

SECTION 5. [Deleted by Private Acts of 1931, Chapter 220].

SECTION 6. [Deleted by Private Acts of 1931, Chapter 220].

SECTION 7. That in the matter of opening or making new roads, or of changing old roads, the Board of County Commissioners shall appoint three disinterested freeholders of the district in which said road is located, or, if in more than one district, two from each of the districts in which the same is located, who shall have no interest, direct or remote, in the proposed road or change, and who shall have never been consulted in regard to the same, and who shall take oath of the above matters in regard to their qualification, and also that they will act impartially in the matter; and thereupon the Board of County Commissioners shall give written notice to all landowners and tenants whose land will be affected by the pening, making, or changing of the said road, that at a certain time, which will not be less than five days from the time said notice is given, a jury of view, consisting of said free holders, will determine the matter that they have been appointed to investigate. Said jury of view, at the time and place designated in said notices, shall view the roads to be affected by the proposed change, may hear the statement and testimony of any persons, and shall then make a written report to the Board of County Commissioners setting out their findings, describing the road to be changed, opened, or closed, and finding the amount to be paid any landowner or tenant as damages for taking his land or crops. This report shall be signed and sworn to by said jury of view, and shall be at once filed with the clerk of the Board of County Commissioners. Said Board of County Commissioners may take up said report as soon after it is filed as it is convenient, and, if they see fit, may hear proof or the statements of any parties interested, and determine what amount shall be paid as damages to said interested parties. From the findings of the Board of County Commissioners, any person may prosecute an appeal to the Circuit Court of said county by giving bond within five days after the findings of the Board of County Commissioners; but the prosecution of said appeal shall not prevent the Board of County Commissioners from taking possession of their property, or making the proposed changes on said road, or building or opening said road; provided, the county, through the Board of Commissioners [sic], shall give bond, with good security, in double the amount of damages found by the Board of County Commissioners, which bond shall be filed with the papers in the Circuit Court.

SECTION 8. That the Board of County Commissioners shall have full power and authority to regulate the crossings of county roads by steam railroads, electric railroads, or any other public-service corporation; and they shall have the right to grant a right of way to such railroads for the purpose of crossing the county roads, where it can be done safely to the traveling public. It shall be within their power to require said railroads to make every safeguard necessary and appropriate for the safety of the traveling public, and to provide the grade at which they shall work said roads, or whether they shall go over or under the same, and to provide the safeguards and regulations as to said crossings; all of which must be at the expense of said railroads and in cases where crossings are made by the railroads, it shall be the duty of said railroads to keep and maintain said crossings and fifty feet of the public road on either side of the said railroad at their (the railroad) expense. It is not intended by this Act, however, to give the County Commissioners the right to grant franchises to railroads, electric light companies, telephone companies, etc., to run their tracks or lines along and upon the public highways of the county, but this right shall only be granted by the County Court.

SECTION 9. That all Acts and parts of Acts in conflict with this Act be, and the same hereby are, repealed.

SECTION 10. That this Act take effect from and after its passage, the public welfare requiring it.
Passed: February 10, 1913.

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