



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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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,

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Chapter IX - Highways and Roads

Borrow Pits

Private Acts of 1994 Chapter 186

SECTION 1. All borrow pits in Rutherford County may be used for construction purposes as permitted by law; provided no such material from a permitted borrow pit shall be used directly or indirectly for supplying material for a rock crushing or processing plant, asphalt producing plant, or ready-mixed concrete plant. The provisions of this act shall not prohibit the use of a Grisley for sizing solid rock borrow as defined in the Tennessee Department of Transportation, bureau of highways, Standard Specifications for Road and Bridge Construction, March, 1981, as amended.

SECTION 2. Any person violating the provisions of this act is subject to a civil penalty not to exceed fifty dollars (\$50.00).

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Rutherford County and certified to the Secretary of State.

SECTION 4. 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 3.

Passed: April 14, 1994.

Crushed Rock

Private Acts of 1953 Chapter 576

SECTION 1. That each county of this State having a population of not less than 40,600 nor more than 40,700, according to the Federal Census of 1950 or any subsequent Federal Census, is hereby authorized to negotiate contracts with other counties and with municipalities and with the Federal and State Governments for the sale of crushed rock.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1953.

Road Law

Private Acts of 1951 Chapter 55

SECTION 1. That there is hereby created a County Highway Commission for Rutherford County, Tennessee. Said Commission shall be vested with complete authority over the construction and maintenance of all county roads, highways and bridges in the County and the expenditure of all highway funds.

As amended by: Private Acts of 1985, Chapter 4

SECTION 2. Rutherford County is divided into seven (7) road districts, as follows:

Road Board District I. Road Board District I shall be composed of County Commission districts 5, 11, and 12.

Road Board District II. Road Board District II shall be composed of County Commission districts 1, 2, and 3.

Road Board District III. Road Board District III shall be composed of County Commission districts 4, 6, and 7.

Road Board District IV. Road Board District IV shall be composed of County Commission districts 8, 9, and 10.

Road Board District V. Road Board District V shall be composed of County Commission districts 17, 18, and 21.

Road Board District VI. Road Board District VI shall be composed of County Commission districts

13, 15, and 16.

Road Board District VII. Road Board District VII shall be composed of County Commission districts 14, 19, and 20.

The county commission districts referred to in this section shall be those established by the Rutherford County commission in a redistricting plan adopted by the commission in 2012. The county commission is authorized to make subsequent redistrictings of the road board districts from time to time as necessary for the election of road board members from districts that are substantially equal in population. Such districts shall be so defined that they contain one (1) or more county commission districts and that their boundaries shall conform to those of county commission districts.

At the August 2012 general election for county officers, one (1) road board member shall be elected by the qualified voters of Road Board District III, one (1) member by the qualified voters of Road Board District V, one (1) member by the qualified voters of Road Board District VI, and one (1) member by the qualified voters of Road Board District VII. All members elected in 2012 shall serve for terms of four (4) years and until their successors are elected and qualified; except that the road board commissioner for Road Board District VII, shall be elected to a six-year term in 2012 to be succeeded by four-year terms thereafter.

At the August 2014 general election for county officers, one (1) road board member shall be elected by the qualified voters of Road Board District I, one (1) member by the qualified voters of Road Board District II, and one (1) member by the qualified voters of Road Board

District IV. All members elected in 2014 shall serve for terms of four (4) years and until their successors are elected and qualified; except that the road board commissioner for Road Board

District II, whose present term expires in 2014, shall be elected to a six-year term in 2014 to be succeeded by four-year terms thereafter.

The Rutherford County highway commission shall be composed of the road board commissioners elected as provided above and shall elect a chairperson from among its members. The county mayor shall attend meetings of the highway commission and take part in its deliberations, but shall not have a vote.

As amended by:

- Private Acts of 1969, Chapter 143
- Private Acts of 1972, Chapter 391
- Private Acts of 1998, Chapter 155
- Private Acts of 2012, Chapter 47
- Private Acts of 2012, Chapter 59
- Private Acts of 2014, Chapter 47

SECTION 3. That there is hereby created the office of County Highway Superintendent for Rutherford County, Tennessee. Said County Highway Superintendent shall have direct supervision of the construction and maintenance of all county roads, highways and bridges in the county under the authority and direction of the County Highway Commission and shall have direct supervision of the work, construction and maintenance of all county public drainage easements as designated by the County Highway Commission and approved by the County Legislative Body. It shall be the duty of the County Highway Superintendent to perform all duties directed by the county highway commission, to make such purchases and to employ such personnel as may be necessary to carry out the purposes of this Act. No purchase made by the highway superintendent under the authority of this Act shall become effective until approved by the county highway commission, provided that, in cases of emergency, the Superintendent is authorized to purchase supplies and equipment not exceeding two hundred dollars (\$200) without the approval of the county highway commission. The county highway commission may provide, for the official use of the Superintendent, an automobile, together with maintenance and operating expenses, to be paid for out of the highway fund of the county. At the regular August election for county officers to be held in August, 2000, and every four (4) years thereafter, there shall be elected, by the qualified voters of the county, a county highway superintendent. No person shall be qualified to hold the office of County Highway Superintendent unless he or she meets the requirements for the Chief Administrative Officer of a Highway Department under the County Uniform Highway Law, codified in Tennessee Code Annotated, Sections 54-7-101 (sic).

As amended by:

- Private Acts of 1985, Chapter 4
- Private Acts of 1998, Chapter 155
- Private Acts of 2002, Chapter 160

SECTION 4. That the County Highway Superintendent shall receive, as his or her compensation, a salary in accordance with Tennessee Code Annotated, Sections 54-7-106 and 8- 24-102, for the Chief Administrative Officer over highways, payable in equal monthly installments out of the highway fund of the county. Each district commissioner shall receive as compensation for one (1) day's attendance at the first meeting in any month, the same amount as members of the County Legislative Body receive for a

regular meeting, and shall receive as compensation for each day's attendance at subsequent meetings in the same month, the same amount as County Legislative Body committee members receive for committee meetings, plus a travel allowance in accordance with the standard travel policy of the county. No district commissioner shall be reimbursed for his or her traveling expenses until he or she shall have filed, with the chairman of the highway commission, an affidavit setting forth such traveling expenses in detail. Per diem compensation and reimbursed traveling expenses shall be paid to the district commissioners out of the highway fund of the county.

As amended by: Private Acts of 1957, Chapter 68
 Private Acts of 1963, Chapter 115
 Private Acts of 1972, Chapter 263
 Private Acts of 1975, Chapter 73
 Private Acts of 1998, Chapter 155

COMPILER'S NOTE: Private Acts of 1957, Chapter 68, Section 1, originally amended the Private Acts of 1951, Chapter 55 by changing the salary of the Rutherford County Highway Superintendent from \$3,600.00 to \$4,800.00. However, Private Acts of 1963, Chapter 115 deleted and replaced Section 1 of the 1957 Act without changing any of the language of the 1951 Act. Therefore, the 1957 Act, which at one time directly amended the 1951 Act, now amends the 1951 Act only indirectly. Private Acts of 1957, Chapter 68, as amended by Private Acts of 1963, Chapter 115, is reprinted in its entirety immediately following the present Act.

SECTION 5. That immediately after the passage of this Act the County Highway Commission herein created shall meet in the office now provided for the County Highway Superintendent in the Courthouse, and shall meet on the Second Saturday of every month thereafter at some hour and place to be fixed by the Commission. At its first meeting in each and every calendar year the Commission shall elect one of its members Vice-Chairman, who shall exercise all the powers and duties of the Chairman in the absence of the Chairman. The Chairman may call special meetings to be held at any time or place by giving actual notice to all district commissioners. The concurring vote of three members of the Commission shall be necessary to authorize the transaction of any business by the Commission.

SECTION 6. That each of the aforesaid District Commissioners shall recommend to the Commission as a whole the road work to be done in his Road District, and the Commission may order the District Commissioner and County Highway Superintendent, or any other road official and employees to carry forward such work in the respective districts. Any failure to do so may be reported to the Chairman by any District Commissioner and a special meeting of the Commission must be called to act upon the complaint whenever a District Commissioner shall represent in writing to the Chairman of the Highway Commission that an emergency requiring action of the full Commission exists in respect to road work conditions in his District.

SECTION 7. That the County Highway Commission is clothed hereby with full and complete authority and power either to buy or requisition (in accordance with provisions of this Act) any and all machinery, tools, graders, crushers, trucks, vehicles, and other implements, and any and all supplies and materials necessary to carry out with safety, economy and dispatch, the purpose of this Act; and to do any and all acts necessary to same. Provided, that no purchase aggregating more than five thousand dollars (\$5,000) shall be made or contract thereof entered into until due advertisement of same shall be made at least one time in some newspaper published in the County, setting forth the amount, quality and description of such materials, supplies and equipment desired, and the time within which written and sealed bids for same be received. Said bids shall be opened in the presence of a majority of the Commission. Such contracts shall in all cases be awarded to the lowest bidder, the quality and suitability for the purposes being the same, provided the Commission shall have the power to reject any and all bids, in which event such proposed purchase shall be re-advertised as above provided.

As amended by: Private Acts of 1961, Chapter 84
 Private Acts of 1967-68, Chapter 191
 Private Acts of 1998, Chapter 155

SECTION 8. That good and solvent bond shall be executed by the highway superintendent in accordance with the requirements of Tennessee Code Annotated, Sections 54- 4-103 and 54-7-108. Members of the county highway commission shall execute bonds, if necessary, in an amount specified by a resolution of the County Legislative Body. Said bonds shall be executed at the time of taking oath of office and same, being payable to the State of Tennessee for use and benefit of the county where said officials service, and said bonds being for the faithful performance of all duties and obligations of the respective offices, and proper account of and for any and all funds and the expenditure thereof, which may officially come into their hands, or be expended under their supervision, and for a proper account of any and all properties, and the care of same, officially committed to their custody, and the payment of such bonds shall be out of the general fund and copies of same spread upon the minutes of the County Legislative Body.

As amended by: Private Acts of 1998, Chapter 155

SECTION 9. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 10. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 11. That the expenditure of all money belonging to the general road system of the County shall be under the direction of the County Highway Commission. The manner of drawing money out of the County Treasury credited to any road or workhouse accounts shall be on the order of the County Highway Superintendent directed to the County Judge or Chairman who, if satisfied of the authenticity of the order, shall issue a warrant thereon directed to the County Trustee, provided that all expenditures shall have been authorized in accordance with the provisions of this Act.

SECTION 12. That this Commission shall not spend, arrange to spend, or incur indebtedness in excess of its anticipated revenues, which shall be estimated as far as possible by the revenues of the preceding year; this provision, however, shall not be understood to prevent the purchase of machinery or equipment on terms of instalments where absolutely necessary for the proper maintenance of said road system, the total price of which may be in excess of, or may create a total expenditure in excess of, the revenues estimated for a period of one year, provided the instalment payments thereon, together with other expenditures, do not exceed in total the estimated revenues for one year.

SECTION 13. That this Commission be empowered, as far as they may be within the law, to open and close telephone and telegraph and other right-of-way along the public ways of travel, and to supervise and order the placement and replacement of telephone and telegraph and other poles, to the end that same way not obstruct or endanger travel along the public roads and right-of-way.

SECTION 14. In addition to the authority established for highway departments under the County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7, Parts 1 and 2, the County Highway Commission is authorized to exercise supplemental powers as established by this act or any other act of the General Assembly effective in Rutherford County, whether currently in force or enacted in the future. The County Highway Commission be further empowered, as far as it may be within the law, to enter upon, work and maintain public drainage easements acquired by the county to provide for the water drainage and run-off within said public drainage easements. That in entering upon, working and maintaining public drainage easements, the County Highway Commission is vested with the power to condemn under the laws of eminent domain in all lands necessary and in addition to act under the powers of eminent domain as set forth in Section 15 of Chapter 55 of the Private Acts of 1951, as amended. On or before the January 2003, session of the County Legislative Body, the County Legislative body shall establish an official list of recognized public drainage easements in Rutherford County after receiving the recommendation of the Planning Department which recommendation shall be subject to the advice and consent of the County Highway Commission. Thereafter, each January the County Legislative Body shall update such list, after receiving any recommendations for changes, amendments, additions or deletions from the Planning Department which changes, amendments, additions or deletions must have the advice and consent of the County Highway Commission. Such recommendations shall include a summary of all changes from the public drainage easement listing submitted the previous year. In exercising authority over the work, construction and maintenance of public drainage easements, the County Highway Commission shall only perform such work on public drainage easements which shall have been included on the official list of recognized public drainage easements as established by the County Legislative Body.

As amended by: Private Acts of 2002, Chapter 160

SECTION 15. That in laying out new roads, changing the location of old roads, and locating bridges and culverts, the County Highway Commission is vested with the power to condemn under the laws of eminent domain all lands necessary; and likewise to acquire rock quarries, chert, dirt or gravel beds, and other material necessary for building or repairing roads, highways or bridges, in the manner provided for the taking of private property by public corporation, or in the manner hereinafter set out, and shall also have the power to condemn private property for roads of ingress and egress to and from rock crushers, rock quarries, dirt, chert, or gravel beds, road camps, and for temporary roads when bridges are being erected or repaired or main roads being repaired or when new roads are being opened or old ones restored; to establish new roads or widen old roads. No project shall be undertaken that requires the acquisition of rights-of-way by purchase or condemnation without the prior approval of the Quarterly County Court. In case of agreement as to amount of damages between the owner of private property sought to be taken and the County Highway Commission, then such agreement to be reported to the Quarterly County Court and the amount of damages to be paid out of the County Road Account and shall be paid only after approval by the Quarterly County Court, and in the event no agreement is reached, the County Highway Commission is authorized and empowered to file condemnation proceedings in the Circuit Court, and such proceedings in such Court shall be proceeded with in the manner provided under the general law for taking private property for use of highways. On filing of such petition by said Commission the property sought to be condemned may be utilized at once without awaiting the determination of the suit; and all

damages shall be charged against the County, to be paid out of the general county account. The County Highway Commission of Rutherford County shall be authorized to own and operate a plant or facility for the manufacture or production of hot mix asphalt. Within the funds available for such purpose, the County Highway Commission shall be authorized to expand, replace, or alter such plant or facility. It shall be authorized to sell, trade, barter, loan or give away the product of any such plant or facility to any municipality within the boundaries of Rutherford County as may be authorized by resolution of the Quarterly County Court. The Highway Commission of Rutherford County is hereby authorized to own and operate a plant or facility for the manufacture or production of hot mix asphalt. Such hot mix asphalt shall be used for county purposes only.

As amended by: Private Acts of 1969, Chapter 143
 Private Acts of 1977, Chapter 53
 Private Acts of 1981, Chapter 149

SECTION 16. [Deleted by Private Acts of 1998, Chapter 155.] **SECTION 17.** That the said County Highway Commission shall have supervision and control of all public roads and special highways in said county, and shall have control of, and shall expend and allocate all money and funds available for road purposes realized from road tax levies on property in the said county and all other road funds derived from any source coming under the exclusive control of the said county; but nothing herein is intended to deprive the State, or State Highway Department, or Commissioner of Highways and Public Works, from constructing, maintaining, supervising and controlling State maintained roads in said county and expending the funds available by law, or hereafter made available by law, for State maintained roads in said county, but all funds realized from road tax levies shall go into the hands of, and be expended by, this Commission.

SECTION 18. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 19. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 20. That no relative of any District Commissioner or County Judge or of the Highway Superintendent shall be employed under the terms of this Act. The word "relative" as used herein shall mean brothers, sisters, nephews, nieces, uncles and aunts, of either the whole or half blood by consanguinity and by affinity. **SECTION 21.** [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 22. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 23. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 24. That if for any reason any section of this Act, or part thereof, shall be held unconstitutional or invalid, such holding shall not affect any other section or part of this Act, each and all sections hereof having been considered as passed separately, in whole and in part, independent of any single section or other section thereof.

SECTION 25. That in event the constitutionality or legality of this Act is assailed, the Commission created by this Act is hereby authorized (sic) and empowered to employ counsel to defend the constitutionality of this Act, and the fees of such counsel shall be paid out of the General Fund of the County.

SECTION 26. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 27. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 26, 1951.

Amendments to Road Laws

Private Acts of 1955 Chapter 125

SECTION 1. That Chapter 55 of the Private Acts of 1951, the caption of which is quoted in the caption hereof, be amended in the following particulars:

(A) The County Judge of Rutherford County, Tennessee, shall have no right to vote as a member of the County Highway Commission under this amendment or the original Act here amended on any matters coming before said County Highway Commissioners, but shall only have the right to act and preside as Chairman and perform the other duties authorized by the original Act.

(B) The County Highway Superintendent shall have the duty, right and power to cast the deciding vote on all matters coming before the County Highway Commission when such County Highway Commission is equally divided.

As amended by: Private Acts of 1998, Chapter 155

SECTION 2. That this Act shall have no effect unless the same shall be submitted to the Quarterly County Court of Rutherford County, Tennessee and approved by a two-thirds vote of said Quarterly County Court.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 23, 1955.

Highway Superintendent

Private Acts of 1963 Chapter 125

SECTION 1. That the County Highway Superintendent of Rutherford County, in addition to his regular duties now prescribed by law, is hereby directed and authorized to attend meetings of the Rutherford County Planning Commission in connection with matters before the Planning Commission relating to the industrial and residential expansion of said County.

The County Highway Superintendent shall work in conjunction and cooperation with the said County Planning Commission on all matters pertaining to zoning requirements and regulations, as well as the opening and laying out of new streets, roads, utilities and subdivisions of real property.

He shall likewise coordinate the duties and functions of the County Highway Commission as may be applicable to the Interstate Highway System and program, and including the proposed construction of the Percy Priest Dam to be located on Stone's River. The Quarterly County Court of Rutherford County is hereby authorized to fix the amount of compensation of the County Highway Superintendent for the performance of such additional duties imposed hereunder, and said additional compensation shall be paid in equal monthly installments out of the general funds of said County.

SECTION 2. That this Act shall have no effect unless the same be approved by a two-thirds vote of the Quarterly County Court of Rutherford County. The presiding officer of such body shall announce the approval or non-approval and shall certify the same to the Secretary of State at Nashville.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 8, 1963.

Highways and Roads - Historical Notes

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

1. Acts of 1821, Chapter 6, required the Courts of Pleas and Quarter Sessions of the various counties of the State to index and classify the roads in their respective counties. The roads would be classified according to width and use. The classes ranged from stage roads down to one wide enough to permit a horse and rider to pass. The Court would assign a sufficient number of hands to keep the road in repair.
2. Acts of 1824, Chapter 162, commissioned William W. Searcy, Robert C. Foster, Sr., Alfred Balch, Andrew Hynes, James McLaughlin, Samuel P. Black, F. N. W. Burton, Moses Ridley, Benjamin McCulloch, and David Wendel, to open books and subscribe stock up to \$75,000 to build a turnpike road from Murfreesboro in Rutherford County to Nashville in Davidson County to be incorporated as the Murfreesboro Turnpike Company. The Act also named Alfred Balch, Samuel Weakley, John Hardin, F. N. W. Burton, Moses Ridley, Logan Henderson, and Nathan Williams, as Commissioners to mark out the route of the road.
3. Acts of 1829, Chapter 255, incorporated Charles I. Love, James H. Foster, William H. McLaughlin, David Wendel, James Morton, Robert Jetton, David W. Dickinson, Zachariah Posey, William Bowman, George Thompson, John McGregor, Martin Clark, Henry Ridley, Moses Norvell, George Shall, Robert Weakley, and Beverly Nelson, as the Nashville and Murfreesboro Turnpike Company which would build a road between the two cities. The Company was allowed to cut timber, secure rock and gravel along the way and to exercise the power of eminent domain. The road must be built to meet the specifications in the Act, and, when completed, could charge the tolls listed therein. Penalties were provided for anyone passing the tollgates without paying. The Act also established the Hoover's Gap Turnpike Company naming Christopher Shaw, Jacob Hoover, Joel Smith, Joseph Carney, Moses Hart, John Hilton, James Arnold, T. L. D. W. Shaw, and William S. Watterson as its incorporators. The road could run from Murfreesboro, by way of Hoover's Gap, to Thomas Power's in Bedford County.

4. Acts of 1829, Chapter 269, stated that whenever any person, firm or corporation, organized to open a turnpike in the counties of Davidson, Williamson, Rutherford, and Bedford would make known in writing to the Courts of Pleas and Quarter Sessions of the Counties through which the road would pass that they would not proceed to open said road or roads agreed in their Charter, it would be lawful for the Court to grant upon the terms of the original Charter all, or any part of the said road not completed to any person, or persons, but the section shall not exceed five miles.
5. Acts of 1831, Chapter 46, named Robert Weakley, Samuel Seay, and Robert C. Foster, all of Davidson County, Henry D. Jamison, Samuel Anderson, and Vernon D. Cowens, all of Rutherford County, and John Sutton, John C. Caldwell, and Samuel Phillips, all of Bedford County, as a Board of Internal Improvement for the aforesaid Counties. It was their duty to open under such conditions as may be prescribed, in Nashville, in Murfreesboro, and in Shelbyville, books for stock subscriptions to the Nashville, Murfreesboro, and Shelbyville Turnpike Company. As soon as \$20,000 in stock had been sold, the State Bank was authorized to pay them the share of their respective counties in the Internal Improvement Fund for Middle Tennessee. Upon other conditions being met, the Company could proceed with the construction of the turnpike.
6. Acts of 1832, Chapter 15, made it the duty of the Governor to subscribe to the Nashville, Murfreesboro, and Shelbyville Turnpike road the whole of the interest due upon the amount of the Common School fund to which the counties of Davidson and Rutherford were entitled. The Commissioners of the company must pay at least 6% interest on the money. It was further made lawful to erect tollgates and collect tolls when all the conditions precedent stipulated in the Act had been met. This Act amended Acts of 1831, Chapter 46.
7. Acts of 1832, Chapter 34, incorporated a company to establish a turnpike road from Murfreesboro to the top of the Stones River ridge in Warren County in the direction of McMinnville, passing by Danville in Warren County. The company would be known as the McMinnville Turnpike Company.
8. Acts of 1835-36, Chapter 19, was the legislative authority for Russell Dance, William Ledbetter, and Logan Henderson, of Rutherford County, plus others named from Davidson County, Coffee County, and Franklin County, as Commissioners, to open books and sell up to \$200,000 in stock to build a turnpike road from Murfreesboro to Winchester by way of Manchester in Coffee County. The stock sale and the construction and operation of the road would be as specified in this Act.
9. Acts of 1837-38, Chapter 50, appointed William Bates, William C. Smartt, and Joseph Spurlock as Commissioners of the Murfreesboro and McMinnville Turnpike Company instead of William M. Robinson, who has moved, and Leighton Ferrill and James Burkley, who were deceased. The Act also gave the company the power of eminent domain. This Act amended Acts of 1832, Chapter 34.
10. Acts of 1837-38, Chapter 57, authorized William B. Morris, Alfred Nailor, and Joseph Smith, of Rutherford County, and John Scott, John Norvell, Noble Majors, James L. Armstrong, Robert Clark, and Burwell Featherston, all of Bedford County, to build a macadamized road from Fosterville, in Rutherford County, to Davis' Mills in Bedford County. This road would constitute a lateral branch of the Nashville, Murfreesboro, Shelbyville Turnpike. The company would be called the Fosterville Turnpike Road Company.
11. Acts of 1847-48, Chapter 164, incorporated the Franklin College and Stones River Turnpike Company, naming Dr. J. R. Wilson, E. H. East, Robert Buchanan, James M. Murrell, James Charlton, James Matlock, John W. Birdwell, Turner Perry, and George W. McQuiddy as Commissioners to sell the stock, up to an authorized \$60,000. The corporation would build and keep in repair a Nashville and Murfreesboro turnpike at or near the junction of Chicken Road with the turnpike road about four miles from Nashville, passing Franklin College to terminate at or near Stones River.
12. Acts of 1869-70, Chapter 52, named Joseph M. Bennett, Joseph J. Green, W. K. Green, W. M. Clark, T. G. Shannon, Joseph H. Murray, J. S. Hawlett, George Chrisman, Evans Bennett, Lemuel Newsom, John F. Neal, Henderson Naron, William Caldwell, E. C. Jobe, G. W. McLaughlin, Thomas Black, Sr., Benjamin Beatty, Sr., Brown Baring, Alfred Davis, Thomas Edwards, George W. Smith, W.H. Smith, James E. Manson, Leonard Davis, John Love, and John Shelton, as Commissioners to sell stock up to an authorized capital of \$35,000 to build a turnpike from Nolensville in Williamson County to Wilkerson's Cross Roads in Rutherford County. When \$5,000 has been subscribed and collected, the stockholders would meet at the Kedron Church in Rutherford County. The Act included some specific regulations to be observed. The company would be known as the Nolensville and Wilkerson's Cross Roads Turnpike Company.
13. Acts of 1869-70, Chapter 101, appointed as commissioners John Lyttle, W. G. Garrett, J. Todd, H. C. Bartley, Joseph King, John King, James King, Jr., and Joseph Holloway, to sell stock to build a

- turnpike road from Murfreesboro in Rutherford County to Triune in Williamson County. The corporate life was 99 years, the authorized capital stock set at \$100,000, with a \$10,000 minimum subscription to proceed with a meeting. The company would be styled the "Murfreesboro and Triune Turnpike Company.
14. Acts of 1901, Chapter 136, was a general road law applicable to every County in the State under 70,000 in population according to the 1900 Federal Census. The County Court would pick one Road Commissioner to serve two years from each Road District in the County, the Road Districts being co-extensive with the Civil Districts of the County. This Commissioner must be sworn and bonded and would be in charge of all the roads, bridges, hands, tools, and materials used in his district. He would be compensated at the rate of \$1 per day but for no more than 10 days each year. The County Court would fix the number of days a road had must work between five and eight and set the value on a day's labor. The Court could also levy a special road tax of two cents per \$100 property valuation for each day the road hands were required to work. The Road Commissioners would appoint and supervise road overseers in their district who would be in immediate charge of a specified section of road, would work the same number of days as other road hands but would be paid up to \$6.00 a year for days worked extra. All males, outside cities, between the ages of 21 and 45 must work on the roads, or pay a stipulated commutation fee. The Commissioners must also hear and dispose of petitions to open, close, or change the roads in their Districts, seeing that all such roads met the basic specifications mentioned in the Act. This Act was involved in *Carroll v. Griffith*, 117 Tenn. 500, 97 SW 66(1906).
 15. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but primarily in the methods of exercising the right of eminent domain in the acquisition of rights of way for roads.
 16. Private Acts of 1909, Chapter 574, amended Acts of 1901, Chapter 136, by making all male residents of the County between the ages of 18 and 50 subject to compulsory labor on the roads instead of the former age ranges of 18 and 45 years. This Act was repealed by Private Acts of 1979, Chapter 138.
 17. Private Acts of 1919, Chapter 698, set up a three member Board of Road Supervisors in Rutherford County who would be appointed by the Chairman of the County Court for initial terms of two years and four years, and for four years afterwards. The County Court was required to appoint at its January, 1920 term, a Road Commissioner from each Civil District who would serve two years exercising general supervision over the roads in the District and who would open, close, and change roads in the District as well as work them. The Commissioners would be paid \$2 for each day worked but must make \$1,000 bond before assuming office. The Commissioner would appoint road overseers to be paid \$1.50 per day after working without compensation the required number of days per year, who would be in immediate charge of the section of road assigned to him. Males between the ages of 18 and 50 were compelled to work between 8 and 12 days, as the Court decided, consisting of ten hours duration. The owners of teams and wagons must furnish them for the same number of days to be worked. A road hand could furnish a substitute to work in his place, or pay \$1.50 a day for each day not worked, while owners of wagons and teams were forced to pay \$2.50 to commute. All roads were required to be relocated and regraded within two years to get away from grades over 10% and from flooding. Road Supervisors were to be paid \$3.00 per day to supervise the whole program, settle disputes, acquire lands for rights of way by eminent domain when necessary and could employ an engineer. Rights of way could range from 24 feet in width up to 50 feet. This Act was repealed by Private Acts of 1925, Chapter 297, and by Private Acts of 1933, Chapter 483.
 18. Private Acts of 1921, Chapter 824, classed as turnpike roads all those called pikes in Rutherford County. The County Court could levy a tax of one to two mills to build and repair turnpike roads in the County. The County was divided into three turnpike Zones, and the County Court would appoint a Commissioner from each Zone to serve staggered terms initially and then three year terms afterwards on the Board of Turnpike Commissioners. Commissioners would draw compensation of \$300 per year which would be their total pay. The Commissioners would employ a skilled Superintendent of Turnpikes at an annual salary not to exceed \$2,500, who would be charged with keeping all proper records. The Board of Turnpike Commissioners would control and manage all the turnpike roads being vested with the power of eminent domain. An engineer could be employed to lay out plans and design roads. Pikes must meet certain specifications for which they would be inspected. All funds coming to the county for road purposes would be divided equally among the three Zones.
 19. Private Acts of 1921, Chapter 872, amended Private Acts of 1919, Chapter 698, by reducing the range of days for compulsory labor from 8 to 12 down to 5 to 8 and leaves the repair of roads up

- to the Commissioners as necessary rather than to specify the months for the road hands to work. A tax was levied on truck owners of \$1 per horse-power to be used on roads and Section 5 was changed to require the owners of teams and wagons to take them to their assigned places of work and to call for them at the day's end.
20. Private Acts of 1923, Chapter 437, amends Private Acts of 1919, Chapter 698, by adding that any judgment so rendered against the county shall be paid out of county funds. Section 15 of the Act was repealed in its entirety. This Act was repealed by Private Acts of 1925, Chapter 297.
 21. Private Acts of 1925, Chapter 164, amended Private Acts of 1919, Chapter 698, Section 4, by raising the minimum age of those subject to road labor from 18 years to 21 years, making the age range for those road hands go from 21 through 50.
 22. Private Acts of 1925, Chapter 297, enacted a new road law for Rutherford County. A five member County Board of Road Commissioners to which the Act named J.D. Carter, J. L. Barker, J. O. Phillips, J. H. Dyer, and R. L. Smith, as the first Board who were charged to lay off and classify a system of roads in Rutherford County. Terms on the Board were staggered initially and vacancies were to be filled by the Circuit Court Judge. The Commissioners would be paid \$5 a day for time actually spent on their assignments. Each Road District, coextensive with the Civil Districts, would have a Road Supervisor, appointed by the Superintendent of Roads, who would be paid from \$2 to \$3 a day, whose responsibilities included making a list of all road hands in his District. A road section from two to five miles long would be supervised by an Overseer, named by the District Road Supervisor, who would get \$2 per day for his efforts. The overseer must report on the road hands working and the tools and materials used on his section of road. The Commissioners must elect a Chairman and could employ a Road Superintendent, skilled in the art of road work at a salary from \$3,000 to \$5,000 per year, who would be furnished an office in the Court House, would render monthly reports of the conditions and finances of the road department to the County Court. The Road Superintendent would be in full charge of the work-house and prisoners. Applications for new bridges must be submitted to the Road Superintendent for investigation, and he would report his findings to the County Board of Road Commissioners for a decision. The Road Superintendent would conduct hearings on petitions to open, close, or change roads. The budget for road changes must be established at the January meeting of the Court. The Court could levy a road tax of ten cents, or more, up to 25 cents, per \$100 property valuation and from \$5 to \$25 on every male, all of which would go into the general road fund. All males between 18 and 50 and owners of wagons and teams must meet requirements of the Act by working the number of days established or paying a commutation fee. This Act was repealed by Private Acts of 1927, Chapter 313, and by Private Acts of 1933, Chapter 483.
 23. Private Acts of 1927, Chapter 313, set up a five member County Board of Road Commissioners to be elected by the Quarterly Court at its next July meeting to fill terms which were initially staggered to have one term ending each year. Vacancies on the Board were to be filled at the next meeting of the Quarterly Court occurring afterwards. The Board must choose a Chairman from their number, and could employ a Superintendent of Roads for two year periods at a negotiated salary which must fall between \$1,800 minimum and \$3,500 maximum. The Superintendent would also appoint District Road Supervisors and fix their compensation between \$2 and \$3 per day, who would in turn name Overseers for road sections in the District at \$2 per day. The County Board of Road Commissioners would have general supervision over all the roads and the expenditure of funds from all sources. The Road Districts were co-extensive with the Civil Districts of the County, and the sections of road laid off within the district must be between two and five miles in length. Roads must be classified according to width and indexed. Males between the ages of 21 and 50 were subject to working from 5 to 10 days on the roads as decided by the County Court, or pay from \$5 to \$10 as a commutation fee. Owners of wagons and teams were required to provide them for road service for the same number of days or pay a fee from \$7.50 to \$10, as set by the Quarterly Court. The Superintendent of Roads would appoint the Superintendent of the Workhouse and arrange for prisoners to work on the roads. The Board could exercise the power of eminent domain which could be used under the restrictions imposed in the Act, and could dispose of petitions to open, close, or change roads. Several other duties assigned to the Road Superintendent were enumerated. The special road tax to be levied could range from 10 cents to 25 cents per \$100 of property valuation. This Act was repealed by Private Acts of 1931, Chapter 234, and by Private Acts of 1933, Chapter 483.
 24. Private Acts of 1929, Chapter 483, amended Private Acts of 1927, Chapter 313, by rewriting Section 10 which related to condemnation procedures, by making it conform to the requirements of the general law when being exercised by the Board of Road Commissioners. Section 11 was rearranged to set up new rules for the disposition of petitions to open, close, or change roads.

25. Private Acts of 1929, Chapter 767, amended Private Acts of 1927, Chapter 313, Section 9, by adding a sentence at the close of the first paragraph that the Superintendent of Roads with the assent of the Board of Road Commissioners would have the power to use prisoners serving sentences in the County Workhouse and the equipment of the County Highway Department to aid and assist enterprises coming into the county to get established.
26. Private Acts of 1931, Chapter 235, established a new nine member County Board of Road Commissioners, elected by the County Court, one from each Road District into which the county was divided. The Act named Oscar Phillips, Cloe Bond, Shelton Edwards, T. R. Whittus, Ramsey Snell, J. D. Carter, Lawrence Barker, R. A. Kelton, and Lee Smith, as the first Board, to serve until the first Monday in April, 1931. Their successors would be selected on a staggered term basis and then for three year terms. The remainder of this Act is virtually identical with the terms of Private Acts of 1927, Chapter 313, except that the general road tax was set at 25 cents, and some limitations were placed upon the authority to contract the work out. The Road Commissioners would be paid \$2.50 per day for each day spent in the discharge of their duty. This Act was repealed by Private Acts of 1933, Chapter 524.
27. Private Acts of 1931, Chapter 531, created a nine member County Board of Road Commissioners in Rutherford County, one to be selected from each of the Road Districts into which the county was divided. This Act appointed Oscar Phillips, Cloe Bond, Shelton Edwards, Cleveland Ralston, Ramsey Snell, Will Fox, Charles Sneed, R. A. Kelton, and T. M. (Bud) Vaughn, to serve as the first Board until the first Monday in September, 1932, their successors to serve staggered terms of six year as they were organized in the Act. The Commissioners must be residents of their Districts and elected by the voters. Vacancies on the Board would be filled by the remaining members. The remainder of this Act is practically the same as Private Acts of 1931, Chapter 235. One difference was that the Workhouse would have a Superintendent appointed by the Superintendent of Roads with the approval of the Board of Road Commissioners. This Act was repealed by Private Acts of 1933, Chapter 483.
28. Private Acts of 1933, Chapter 302, amended Private Acts of 1931, Chapter 235, in Section 10, so as to relieve all persons under 21 and over the age of 50 from being compelled to furnish a wagon and team for road work, by striking that provisions completely out of the Act.
29. Private Acts of 1933, Chapter 482, stated that in Rutherford County the Board of Workhouse Commissioners who would have the supervision and control of roads together with all the powers necessary and incidental thereto but under such restrictions as might be imposed by the County Court. The Commissioners must be sworn and bonded and must operate under general State law except that the compensation of the Commissioners and the Superintendent of the Workhouse would be paid monthly instead of quarterly and the salary of the Workhouse Superintendent would be fixed by the Quarterly Court instead of by the Commissioners, and supplies must be purchased through the purchasing agency of the county. The Quarterly Court would determine the number of guards to be employed at the Workhouse. The duties of the Commissioners and the Superintendent of Roads were generally specified, including the authority to contract and to exercise, under the limitations expressed, the power of eminent domain. Each Road District would equal the Civil Districts, and have a District Road Commissioner, appointed by the County Court, to serve for two years. Males between the ages of 21 and 45, must work from 5 to 10 days as determined by the Court. The Court could levy a general road tax from five to twenty-five cents per \$100 which would be divided among the road districts, and the Commissioners would be paid \$2.50 a meeting until the July meeting of the Quarterly Court, when their future compensation would be set. See *Powers v. Wiseman*, 167 Tenn. 140, 67 S.W.2d 142 (1934).
30. Private Acts of 1943, Chapter 454, established a County Highway Commission which had authority and control over all segments of the road system in Rutherford County, over all the prisoners in the Workhouse, and over all the employees and guards in the Department. The county was divided into nine Road Zones composed of whole civil districts, one Commissioner to come from each Road Zone. The present Commission was continued in office until September 1, 1944, with the County Judge acting as Chairman. Commissioners would be elected by the people of the Road Zone for four year terms and any vacancies after September 1, 1944 would be filled by the Quarterly Court with someone from that Zone. Regular meetings of the Commission would take place on the first Tuesday in each month. The Chairman would be paid \$3 and the members \$2.50 a day but all were limited to \$50 each year. Each Zone Commissioner was in charge of his Zone and would make recommendations on all matters regarding that Zone. The Commission would employ a County Road Superintendent at a maximum \$1,600 per year, plus a car, who would hire all other employees. The Commission would also designate someone to work with any State or Federal Agency in conjunction with the road program. The Commission had the right to purchase

equipment and materials, but all contracts over \$250 were required to be subject to the bidding process. The Commission must maintain an office in the Courthouse in which the Road Superintendent and all the records would also be kept. A Secretary and bookkeeper could be hired to assist with the records. Liability could not be incurred beyond the amount of anticipated revenue nor would nepotism be permitted. The Road Superintendent was the Superintendent of the Workhouse who could employ an Assistant Superintendent, or a Chief Guard, at no more than \$90 per month. Males between the ages of 21 and 45, must work on the roads between 5 and 10 days as the County Court directed, or pay \$5 to \$10 as might be assessed. The general road tax levy could range between 5 and 25 cents per \$100 property valuation, plus the funds from the State would be expended by the Commissioners. An auditor at a cost of no more than \$250 would be employed to examine all accounts. The County Judge was made an ex-officio member of the Commission who would be its Chairman but would have no vote. All powers and duties vested in any Board of Workhouse Commissioners were transferred to the County Highway Commission and the Board of Workhouse Commissioners was abolished. This Act was repealed by Private Acts of 1951, Chapter 54.

31. Private Acts of 1945, Chapter 455, amended Private Acts of 1943, Chapter 454, in the various sections establishing the compensation of various officials connected with the administration of the Road Law so as to increase their salaries, and to add a new Section 40(a) which allowed the Quarterly Court to authorize the County Highway Commission to allocate and spend from the road funds, and other funds, an amount not to exceed \$2,000 to erect suitable quarters and barracks for the prisoners required to work on the roads. The Quarterly Court was allowed to add another \$3,000 for this purpose. This Act was repealed by Private Acts of 1951, Chapter 54.
32. Private Acts of 1976, Chapter 231, would have removed the supervision of the county workhouse from the County Highway Superintendent. This Act was not approved by the Quarterly County Court and never became effective law.
33. Private Acts of 1980, Chapter 294, would have transferred the authority and control over the prisoners in the county workhouse from the County Highway Commission to the Sheriff of Rutherford County. This Act was not approved by the county legislative body and never became effective law.
34. Private Acts of 1981, Chapter 142, would have amended Private Acts of 1955, Chapter 55, an erroneous reference to the Rutherford County Road Law, by adding a provision authorizing the operation of a hot mix asphalt plant at the end of Section 15, and by repealing Private Acts of 1977, Chapter 53. This Act was not acted upon by the Rutherford County Legislative Body and is of no effect.

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