

PUBLIC CHAPTER NO. 1082**HOUSE BILL NO. 2509****By Representative Mumpower****Substituted for: Senate Bill No. 3838****By Senator Bunch and Mr. Speaker Ramsey**

AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 14, Part 1, relative to way of ingress and egress to landlocked property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-14-101(a)(1), is amended by deleting the language "shall have power to grant" and by substituting instead the language "shall, in accordance with the provisions of this part, grant".

SECTION 2. Tennessee Code Annotated, Section 54-14-103(a)(1), is amended by adding the following language at the end of the subdivision:

provided that, if one of the parcels surrounding the land is owned by the federal government, the petitioner is not required to make the federal government, or any agency or instrumentality thereof, a party defendant thereto when the portion of land or property desired for the easement or right-of-way filed by the petitioner is over lands or property not owned by the federal government, or any agency or instrumentality thereof;

SECTION 3. Tennessee Code Annotated, Section 54-14-112(a), is amended by adding the following language at the end of the subsection:

Provided, that if an objection is filed by the owner or owners of land selected by the jury of view, the objection must be served upon all parties to the action. Further, the person making the objection must prepare a plat that contains an alternative route to the one identified by the jury of view. The plat shall be served on all parties and filed with the court within thirty (30) days of the objection. The alternative route that such person proposes to substitute for the identified route shall be clearly marked on the plat. If the petitioner or any other party who owns the land on which all or part of the alternative route is located objects to the alternative route, the only remedy available to the petitioner or other party at the trial court level is to demand a trial by jury pursuant to § 54-14-114. An appeal from an adverse decision at the trial court level may be appealed by any party to the action as provided by law.

SECTION 4. Tennessee Code Annotated, Section 54-14-114, is amended by designating the existing language as subsection (a) and adding the following language to be designated as subsection (b):

(b) The demand for a trial by a jury in accordance with subsection (a) shall be the exclusive remedy for relief from the finding of a jury of view and no other appeal from such finding shall lie. Such jury must either affirm the finding of the jury of view or set apart a different quantity of land or property for ingress or egress to the land of the petitioner but in no event shall the party petitioning for a right of way pursuant to this part be left without a sufficient outlet of ingress and egress.

SECTION 5. Tennessee Code Annotated, Section 54-14-101(a)(1), is amended by deleting the language "to open such road, not exceeding twenty-five feet (25') wide," and by substituting instead the language "to open such road, not exceeding twenty-five feet (25') wide if no subdivision regulations apply to the area where such land is located and not exceeding the width of the roads or streets required by subdivision regulations in effect in the area where such land is located,".

SECTION 6. Tennessee Code Annotated, Section 54-14-101, is amended by adding the following new subdivision (3) to subsection (a):

(3) If a person possesses an ingress and egress easement or who has already been granted a petition for a private road pursuant to this section determines that additional land is needed for the purpose of extending utility lines, including, but not limited to, electric, natural gas, water, sewage, telephone, or cable television, to the enclosed land, such person shall file a new petition so requesting. Upon receipt of a petition requesting additional land for the extension of utility lines, the court may grant such petitioner's request and direct a jury of view to lay off and mark an area for utility lines that is fifteen feet (15") wider than is permitted by the provisions of subdivision (a)(1).

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 15, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 3rd day of June 2008



PHIL BREDESEN, GOVERNOR