



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

November 19, 2024

Chapter IX - Highways and Roads

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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

Superintendent of Highways

Private Acts of 1984 Chapter 172

SECTION 1. There is hereby created the office of Superintendent of Highways for Moore County. Said Superintendent of Highways shall be the executive head of the Moore County Highway Department and shall be the chief administrative officer of said department under the terms of the County Uniform Highway Law codified in Chapter 7, Title 54, Tennessee Code Annotated.

SECTION 2. The present Highway Supervisor of Moore County, elected in the August, 1982 General Election, shall serve as the Superintendent of Highways for Moore County for the remainder of his present term which ends in 1986. At the August 1986 General Election and every four years thereafter, the qualified voters of Moore County shall elect a Superintendent of Highways who shall serve for a term of four years and until a successor is elected and is qualified.

SECTION 3. The Moore County Superintendent of Highways shall perform all the duties prescribed or authorized to be performed by a chief administrative officer pursuant to the County Uniform Highway Law. Further, said Superintendent shall serve as the contracting officer and purchasing agent for Moore County Highway Department. The Superintendent of Highways shall sign all warrants upon the highway fund, excepting in the event of the officer's disability or absence from the county for over seven continuous days, or a vacancy in the office, the County Executive shall be empowered to sign fiscal warrants until the end of the disability, absence or disability. The Superintendent shall notify the County Executive in writing of the end of the disability or prolonged absence and upon receipt of such notice the County Executive shall cease to exercise the temporary powers conferred by this section.

SECTION 4. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 5. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of Moore County. Its approval or nonapproval shall be proclaimed by the presiding officer of such Board and certified by him to the Secretary of State.

SECTION 6. 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 5.

Passed: March 15, 1984.

Highways and Roads - Historical Notes

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

1. Private Acts of 1919, Chapter 154, regulated the operation of toll turnpikes in Moore County, providing that no toll could be charged unless such turnpikes were at least five miles in length and kept at all times in good repair. This Act replaced the supervision of the turnpikes under the County Road Commission who would inspect the turnpikes at the order of the County Judge or Chairman. Procedures for the County Judge or Chairman to order the turnpikes open were enclosed.
2. Private Acts of 1919, Chapter 160, was the first general road law for Moore County, creating a three-member Road Commission, to be elected by the Quarterly County Court for terms of two years. The Road Commission had full supervision of the county's public roads, except for public bridges which remained under the control of the Quarterly County Court. This Road Commission was to appoint a district commissioner from each road district, who would then appoint a district overseer to insure the efficient working of the roads in his district. Procedures for opening, changing, or closing roads were included in the Act as were provisions for a tax levy, work of road hands, and commutation. This act was amended by Private Acts of 1920 (Extra Session), Chapter 96, to change the powers of the county road commission to declare which roads were to be worked on and to set up an appeal procedure for disgruntled citizens who disagreed with the

- commission's decision. Both of these acts were repealed by Private Acts of 1921, Chapter 867.
3. Private Acts of 1921, Chapter 867, was the next general road law for Moore County. This act set up the office of county road commissioner and gave him full charge and control of all the county roads but not of the bridges. The county road commissioner was to appoint road district commissioners who would appoint their district road overseer. This was amended by Private Acts of 1923, Chapter 610, to lower the road commissioner's salary from \$300 per year to \$200. Private Acts of 1933, Chapter 162, was another amendment to the 1921 Moore County road law, providing that the quarterly county court could exempt men from road duty only for a mental or physical disability which made them unfit for manual labor, and had been exempted from the payment of poll taxes.
 4. Private Acts of 1935, Chapter 6, designated each civil district in the county as a road district. A road overseer was to be elected for a two year term from each road district, to take charge and to oversee the working of public roads in their district. This act was repealed by Private Acts of 1949, Chapter 463.
 5. This Act was amended by Private Acts of 1935, Chapter 225, to reduce the overseer's bond from \$2,000 to \$1,000. Private Acts of 1935 (E.S.), Chapter 99, amended Private Acts of 1935, Chapter 6, to provide that it was not to be construed as interfering with the right of the State Highway Commissioner to designate the roads in Moore County on which the allotment of auto tax fund may be expended. Private Acts of 1935 (Ex. Sess.), Chapter 99, was repealed by Private Acts of 1949, Chapter 469.
 6. Private Acts of 1937, Chapter 19, amended Private Acts of 1935, Chapter 6, to provide that the Board of Highway Commissioner had to file a monthly report with the County Trustee estimating their future expenditure for machinery and its repair. This was repealed by Private Acts of 1941, Chapter 26.
 7. Private Acts of 1939, Chapter 84, was an amendment to Private Acts of 1935, Chapter 6, which created six road districts in Moore County by combining some of the civil districts. This act was repealed by Private Acts of 1941, Chapter 466.
 8. Private Acts of 1939, Chapter 510, was amendatory to Private Acts of 1939, Chapter 84, by redefining the Third and Fourth Road Districts. This act was repealed by Private Acts of 1941, Chapter 467.
 9. Private Acts of 1941, Chapter 312, was amendatory to Chapter 6 of the Private Acts of 1935, and it set up a "Machinery Fund" on which warrants could be drawn for the payment of expenses in connection with the buying, maintaining, repairing and operating the county highway department's machinery. No more than 70% of the road funds could be placed in this account and all purchases were to be competition bidding. This act was repealed by Private Acts of 1949, Chapter 467.
 10. Private Acts of 1941, Chapter 468, was an amendment to the Moore County road law found in of the Private Acts of 1935, Chapter 6, raising the compensation of the road overseers to \$15.00 per month. This amendatory act was repealed by Private Acts of 1949, Chapter 466.
 11. Private Acts of 1949, Chapter 473, created the Board of County Road Commissioners consisting of three members, popularly elected, for two year terms. The Board was empowered to exercise all powers of the county in the administration, control and supervision of county roads. The Board was directed to employ a Supervisor of Roads who would construct, repair and maintain all county roads and bridges, and maintain all county road equipment. This Act was repealed by Private Acts of 1979, Chapter 109.
 12. Private Acts of 1953, Chapter 318, was an amendment to Private Acts of 1949, Chapter 473, which increased the number of members of the Road Commission by two and to gave the Quarterly County Court the authority to remove any member of the Commissioner for misconduct in office. This Act also limited to 40% of the road funds the amount that could be spent to acquire machinery. There were two acts passed in the 1967-68 legislative session to repeal this amendment. Private Acts of 1967-68, Chapter 47, was rejected by the Quarterly County Court, but Private Acts of 1967-68, Chapter 96, was approved by local officials and did repeal the 1953 amendment to the road law.
 13. Private Acts of 1970, Chapter 347, was an attempted amendment to the Private Acts of 1949, Chapter 347, which did not gain local approval. This amendatory act was a fairly comprehensive one, redefining the road districts and the qualifications, term and salary of the road commissioners.
 14. Private Acts of 1972, Chapter 345, was an amendment to Private Acts of 1949, Chapter 473

setting the salary of the Chairman of the Board of County Road Commissioners at \$1,800 per annum and the members at \$1,200 per annum. A provision for traveling expenses was also included. The salary for the Secretary to the commission was to be set by the commissioners between \$2,500 and \$3,800 per annum. The Supervisor of Road's salary was to be set by the commissioners between \$4,800 and \$6,000 per annum. Employment restrictions any qualifications were also included in the Act. This Act was repealed by Private Acts of 1979, Chapter 109.

15. Private Acts of 1980, Chapter 299, would have created the Moore County Board of Highway Commissioners, to be composed of five members who would be elected to six year terms after the initial staggered terms, for the purpose of maintaining a system of public roads. In addition, the office of Highway Supervisor was created who would be elected to a four year term. He would be the chief administrative officer of the Highway Department as defined in the "County Uniform Road Law". This Act was not approved by the Board of County Commissioners and is not effective.

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