



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# 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.

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## Chapter IX - Highways and Roads

### Road Construction

#### Private Acts of 1923 Chapter 351

**SECTION 1.** That it shall be permissible and lawful for any person, firm or corporation to construct, maintain and operate a tie, or timber, hoist or chute over or across any public road in any county of the State having a population of not less than 13,360 and not more than 13,375, by the Federal Census of 1920, or any subsequent Federal Census; provided, that nothing herein contained shall operate to relieve the operator of such hoist or chute from any damages for which such operator would otherwise be liable by reason of the negligent operation of such hoist or chute.

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

Passed: March 23, 1923.

### Road Law

#### Private Acts of 1929 Chapter 840

**SECTION 1.** That an Act entitled "An Act to provide for a system of good roads to regulate the laying out, working, changing, opening, closing and maintaining of public roads, culverts and ferries and bridges in the counties of this State having a population of not less than 13,360, nor more than 13,375, according to the Federal Census of 1920, or by any subsequent Federal Census; to create the office of 'Superintendent of Roads,' in such counties, and to define the powers and duties thereof and to provide for subordinate agents under same, to provide means, funds, labor, instrumentalities and powers for carrying into effect of said Act; to fix age limit of male citizens residing in such counties subject to road duty, to provide for payment of commutation to Trustee in lieu of work and provide fines and penalties for neglecting or refusing to work or commute to, making the Trustee Custodian of County road fund, to provide means of disbursing same, and to provide in the event that any part of this Act shall for any reason be held unconstitutional, for the remainder thereof," being Chapter 443 of the Private Acts of the General Assembly of the State of Tennessee for the year 1927 passed April 14, 1927, and approved April 18, 1927, and being the Act set forth in the Caption hereof, be and the same hereby is repealed.

**SECTION 2.** That this Act take effect from and after the first of September, 1930, the public welfare requiring it.

Passed: April 11, 1929.

### Superintendent of Roads

#### Private Acts of 1980 Chapter 232

**SECTION 1.** The office of Superintendent of Roads for Grainger County is hereby created. The Superintendent of Roads shall be considered the chief administrative officer for purposes of the County Uniform Road Law codified in Tennessee Code Annotated Section 54-1001 et seq.

**SECTION 2.** The Superintendent of Roads shall be elected by the qualified voters of Grainger County in accordance with the General Election Laws of the State of Tennessee in the general election to be held in August 1982 and every four (4) years thereafter. Upon certification of the results of the August 1982 election the Superintendent of Roads elected shall take office September 1, 1982 for a term of four (4) years.

A vacancy in the office of Superintendent of Roads shall be filled by an appointee of the county legislative body who shall serve until a successor is elected at the next general election occurring after the vacancy according to Tennessee Code Annotated Section 5-1-104.

As amended by: Private Acts of 1983, Chapter 18

**SECTION 3.** Each year, the superintendent of roads shall prepare a proposed budget for the Grainger County highway department. The superintendent of roads of Grainger County shall on or before April 1 of each year, file with the county executive an itemized statement of the funds estimated to be required for the county road program for the ensuing fiscal year and for the construction, operation, repair and maintenance of the county road system and for the general administration of the highway department,

together with an estimate of the highway and road funds, including any bridge funds, expected to be received during such fiscal year.

As amended by: Private Acts of 2003, Chapter 30

**SECTION 4.** The Superintendent of Roads shall have the authority to draw warrants upon the County Treasury. No warrant drawn by the Superintendent of Roads shall be a valid claim against the county unless countersigned by the County Executive.

As amended by: Private Acts of 1991, Chapter 25.

**SECTION 5.** The Superintendent of Roads is hereby authorized to make purchases and contract for services necessary to carry out the functions of his office as set out in the County Uniform Road Law, T.C.A. Section 54-1001 et seq.

All purchases of and contracts for purchases of supplies, materials, equipment and contractual services, and all contracts for the lease or rental of equipment shall be based wherever possible on competitive bids. If the amount of the expenditure is estimated to exceed the amount set forth in the County Uniform Highway Law, Tennessee Code Annotated, Section 54-7-113 as amended, sealed bids shall be solicited by the Superintendent of Roads. Solicitation shall be made by public notice inserted at least once in a newspaper of county-wide circulation five (5) days prior to the final date for submitting bids or by posting notices on a public bulletin board in the county courthouse.

As amended by: Private Acts of 1991, Chapter 25

All purchases of less than one thousand dollars (\$1,000.00) may be made by the Superintendent of Roads in the open market without notice, but shall wherever possible be based upon at least three (3) competitive bids.

All sealed bids received under the requirements of this act shall be opened publicly at the time and place fixed in the advertisement and shall after the award or contract or order be open to public inspection.

The Superintendent of Roads may purchase from any federal, state or local government unit or agency without conforming to the bidding requirements of this act.

**SECTION 6.** The Superintendent of Roads shall keep a complete record showing the receipts, appropriations and disbursements, and shall make a report to the county legislative body on a quarterly basis, showing how the funds have been spent and handled, and upon the failure or refusal of said Superintendent of Roads to make said quarterly reports to the county legislative body, it shall be the duty of the County Executive to withhold the payment of his salary until said reports have been made and approved by the County Executive, or county legislative body. It shall be the duty of the County Revenue Commission in said county to audit the records of the Superintendent of Roads in Grainger County and to make a report of said audit to the county legislative body on a quarterly basis, said report to be approved by the county legislative body and copied along with the proceedings of the county legislative body on the minute book of the county legislative body.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Grainger County Legislative Body. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 8.** 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 6.

Passed: March 12, 1980.

## Highways and Roads - Historical Notes

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

1. Private Acts of 1821, Chapter, 152, provided for the keeping in repair a part of a road leading from Bean's Station in Grainger County to Kentucky that lies near Cumberland Gap on the Cumberland Mountain.
2. Private Acts of 1825, Chapter 325, appointed William Clark of Grainger County and George Williams of Hawkins County as additional commissioners of the Bean's Station Turnpike.
3. Private Acts of 1835-36, Chapter 147, appointed Thomas Whiteside of Grainger County as a commissioner of the Bean's Station Turnpike Road.
4. Acts of 1837-38, Chapter 45, appointed Nelson A. Senter of Grainger County as one of the commissioners of the Bean's Station Turnpike Road and outlined their duties and responsibilities.

5. Acts of 1839-40, Chapter 92, provided that the next two commissioners of the Bean's Station Turnpike be from Grainger County.
6. Acts of 1841-42, Chapter 190, appointed Charles McAnally and Hugh O. Taylor as commissioners of the Bean's Station Turnpike and outlined their duties and responsibilities.
7. Acts of 1845-46, Chapter 139, authorized the commissioners of the Bean's Station Turnpike Road to use the proceeds from the tolls to pay for the turnpike's repairs in Grainger County.
8. Acts of 1847-48, Chapter 186, Section 7, authorized the building of a second toll in Grainger County for the Campbell and Anderson Turnpike Company.
9. Acts of 1849-50, Chapter 176, Section 3, authorized the citizens of Claiborne and Grainger counties to pass on the Bean Station Turnpike Road free of charge.
10. Acts of 1855-56, Chapter 36, repealed the law which had allowed the citizens of Grainger and Claiborne counties to pass the Bean Station Turnpike Road for free.
11. Public Acts of 1875, Chapter 44, amended the various acts in reference to the Bean Station and Cumberland Gap Turnpike Roads as they affected Grainger County.
12. Public Acts of 1879, Chapter 39, required that the toll of the Cumberland Gap Turnpike Road be leased out to the highest bidder whereupon the road was to be kept in good traveling order or the county court of Grainger County could terminate the lease.
13. Private Acts of 1919, Chapter 378, regulated the working and laying out of public roads in Grainger County. This act was amended by Private Acts of 1935, Chapter 506 and Private Acts of 1937, Chapter 147 respectively.
14. Private Acts of 1927, Chapter 443, provided for a system of good roads to regulate the laying out, working, changing, opening, closing and maintaining of public roads, culverts and ferries and bridges in Grainger County.
15. Private Acts of 1937, Chapter 147, amended Private Acts of 1919, Chapter 378, by deleting sections 2 and 5.
16. Private Acts of 1937, Chapter 366, created a road law for Grainger County which provided for the election of road commissioners, their duties and salary; created three road districts and permitted the road commissioners to work the county convicts or prisoners upon the various roads of the county.
17. Private Acts of 1939, Chapter 373, amended Private Acts of 1937, Chapter 366, by allowing women citizen to become candidates to serve as road commissioner and lowering the age of eligibility to 21 years. In addition to other changes, the act increased the salary of the chairman and vice chairman of the road commissioner to \$300.
18. Private Acts of 1945, Chapter 476, created a road law for Grainger County which included the election of a road superintendent, the fixing of his salary, bond, and manner of election, defined his duties, and prescribed his qualifications, fixed his term of office; permitted the road superintendent to work the county convicts or prisoners upon the various roads of Grainger County; and provided for the raising of funds for road purposes and the disbursement of the same in conjunction with all funds derived from the state or federal government.
19. Private Acts of 1947, Chapter 94, amended Private Acts of 1945, Chapter 476, by increasing the salary of the road superintendent from \$1,200 to \$1,800.
20. Private Acts of 1949, Chapter 820, amended Private Acts of 1945, Chapter 476, by eliminating the funds of the state gasoline tax to the road law.
21. Private Acts of 1953, Chapter 208, amended Private Acts of 1945, Chapter 476, by increasing the salary of the road superintendent to \$2,400 per anum.
22. Private Acts of 1959, Chapter 60, amended Private Acts of 1945, Chapter 476, by increasing the salary of the secretary-bookkeeper to \$100 per month.
23. Private Acts of 1963, Chapter 188, amended Private Acts of 1945, Chapter 476, by authorizing \$125 per month to the superintendent as reimbursement for his expenses in carrying out the duties of his office. In addition, this act further amended Private Acts of 1945, Chapter 476, by increasing the salary of the secretary-bookkeeper to \$150 per month.
24. Private Acts of 1967-68, Chapter 105, amended Private Acts of 1945, Chapter 476, by providing \$300 per month to the superintendent for the use of his car in conjunction with his duties as road superintendent. Furthermore, the salary of the bookkeeper was increased to \$300 per month.
25. Private Acts of 1967-68, Chapter 467, amended Private Acts of 1945, Chapter 476, by providing

- \$200 per month to the superintendent for the use of his car in conjunction with his duties as road superintendent. Furthermore, the salary of the bookkeeper was decreased to \$200 per month.
26. Private Acts of 1974, Chapter 283, would have amended Private Acts of 1945, Chapter 476, but the act was not acted upon by local authorities prior to the publication of the 1974 Volume of Tennessee Private Acts.
  27. Private Acts of 1979, Chapter 111, repealed Private Acts of 1945, Chapter 476 and all amendatory acts.
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