



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Road Law

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# Road Law

## Private Acts of 1927 Chapter 130

**SECTION 1.** That in all Counties of this State having a population of not less than 32,822, or more than 32,826, under the Federal Census of 1920, or any subsequent Federal Census, there is hereby created the office of Superintendent of Public Roads, to be known as Road Superintendent, who shall hereafter be elected by the qualified voters of said County at the regular August election held for the election of public officials in said County for the year 1936, and at each biennial August election thereafter held in said County; that said Road Superintendent shall hold his office for a period of two years, and until his successor is elected and qualified; that he shall be a reputable citizen and taxpayer of said county; shall be a civil engineer, or a person who has had practical experience in road building and maintenance, and who is competent to supervise the construction, maintenance and repair of roads of said county; that the vacancy now existing in said office of Road Superintendent, by reason of the expiration of the term of the present incumbent, shall be filled by the qualified voters of said county at a special election called for that purpose, to be held in each voting precinct of said county, in the manner as required by law for the election of other public officials, upon thirty days notice thereof, given by the Election Commissioners of said County, published as the law requires the present incumbent holding said office until his successor is elected and qualified; that any vacancy in said office shall be filled for the unexpired term by the appointment of the County Chairman or Judge--such person so appointed shall have the qualifications herein set out, and shall hold office until the next regular election held for the purpose of electing such Road Superintendent.

Before entering upon the discharge of his duties, said Road Superintendent, elected as herein provided, shall execute bond in the sum of FIVE THOUSAND (\$5,000.00) DOLLARS, conditioned for the faithful performance of his duties, and shall take oath that he will well and truly perform and discharge each and all of the duties of office devolving upon him by the provisions of said Act. He shall have an office, with proper furniture and equipment at the County site of said County.

As amended by: Private Acts of 1935, Chapter 184

**SECTION 2.** That the Road Superintendent shall receive a salary of \$6,500.00 per annum, to be paid monthly upon warrant issued by the proper officials of said County, in the manner of other disbursements, and shall, in addition, receive expenses necessary in the operation of his automobile, which shall be itemized and sworn to, and be approved by the County Chairman or Judge before paid.

As amended by: Private Acts of 1935, Chapter 184  
Private Acts of 1947, Chapter 279  
Private Acts of 1951, Chapter 438  
Private Acts of 1953, Chapter 532

**SECTION 3.** That the Road Superintendent may be removed at any time by the County Judge or Chairman of the County upon his own volition upon a proper showing that he is not properly qualified in accordance with the provisions of Section 1 of this Act, or for incompetency, malfeasance or misfeasance in office, upon written charges preferred against said Road Superintendent by five or more citizens or taxpayers of said counties coming within the provisions of this Act, which charges shall be filed with the County Judge or Chairman and a copy of which shall be served upon said Road Superintendent. Said Chairman or County Judge shall fix a day when said charges shall be heard, which shall be at least ten days after notice and copy of said charges have been served upon said Road Superintendent. Such hearing shall be at the Court House in the county site. If, upon hearing, it appears that such charges are sustained, the County Judge or Chairman of the County shall remove said Road Superintendent and serve notice of such removal upon said Road Superintendent. After the hearing a record of the proceedings on such hearing shall be filed in the office of the County Clerk.

As amended by: Private Acts of 1935, Chapter 184

**SECTION 4.** That if any Road Superintendent neglects or refuses to diligently perform and prosecute the duties of his office, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding Five Hundred (\$500.00) Dollars; and he shall be subject to the same penalty if he refuses or neglects to cause his subordinates to perform their duties under his direction.

As amended by: Private Acts of 2011, Chapter 22

**SECTION 5.** That the said Road Superintendent shall have general authority over and charge of all public roads and every grade, including bridges thereon, within his county, with the exception of State or Federal Aid Highways. He shall have authority over and general supervision of all work of construction, repairing and improving the public roads and bridges of the County, as well as matters of locating, annulling and changing said roads. He shall have control of the funds derived from taxes or otherwise provided for the construction, improvement or maintenance of the roads of this County under the limitations herein

provided; however, the provisions of this Act shall in no way interfere with the construction of any graded or macadamized, or the repairing, rebuilding or restoring of any roads by any means authorized by a special Act, or from funds derived from the sale of bonds provided for such use under any special Act.

Said Road Superintendent shall not build or cause to be built any bridge or bridges at a site where a bridge has not heretofore been built, except upon being directed so to do by an appropriate resolution of the Quarterly County Court.

The Road Superintendent shall purchase such tools and materials as may be necessary for the construction and maintenance of the roads of his County, but the purchase of road machinery, gravel beds, quarries and trucks shall not be made by said Road Superintendent but by a Purchasing Committee hereinafter provided for.

The Road Superintendent shall not incur any debts or make any purchases or expenditures aggregating an amount in excess of the sum set apart for roads for the current year by the Quarterly County Court. The Road Superintendent shall take receipts showing all amounts paid for all purchases made by him from any company, firm or individual and said receipts shall become a part of the public records of his office. He shall preserve all papers and keep a copy of all accounts, petitions, etc., which may come before him, which shall be public records subject to inspection at any time by any citizen of the County. He shall carefully audit all accounts presented for payment and require that same be itemized and sworn to. He shall make a report in writing to each Quarterly Term of the County Court of his expenditures for each quarter and furnish said Court with such information as it may require. He shall at each January Term of the Quarterly County Court make an annual report showing the total disbursements for the preceding year and the items making up such total, properly classified with reference to the class of work and nature of the expenditures as well as showing the exact equipment and property on hand and its condition and value, and otherwise as may be [sic] required by the Quarterly County Court. He shall prepare and keep a record of all macadamized, graded and common roads by divisions, as hereinafter provided.

**SECTION 6.** [Deleted by Private Acts of 2011, Chapter 22]

As amended by: Private Acts of 1935, Chapter 184  
Private Acts of 2011, Chapter 22

**SECTION 7.** [Deleted by Private Acts of 2011, Chapter 22]

As amended by: Private Acts of 1935, Chapter 184  
Private Acts of 1947, Chapter 279  
Private Acts of 1951, Chapter 438  
Private Acts of 1953, Chapter 552  
Private Acts of 1974, Chapter 192  
Private Acts of 1981, Chapter 10  
Private Acts of 1986, Chapter 114  
Private Acts of 1987, Chapter 1  
Private Acts of 2000, Chapter 87  
Private Acts of 2005, Chapter 46  
Private Acts of 2011, Chapter 22

**SECTION 8.** [Deleted by Private Acts of 2011, Chapter 22]

As amended by: Private Acts of 1935, Chapter 184  
Private Acts of 2011, Chapter 22

**SECTION 9.** That the said Road Superintendent shall prepare and submit at the April term of the Quarterly County Court a full and detailed estimate or budget showing the cost of the work and expenditure necessary for the improvement, maintenance and construction of the roads in the County for the ensuing year upon which said estimate or budget the said Quarterly County Court may base their appropriations and tax levies to meet the expenses of such road construction improvement and maintenance as his report may show necessary. The Quarterly County Court shall approve said estimate or budget at its regular July term of the Court as submitted by the Road Superintendent or as amended by said Court.

As amended by: Private Acts of 1955, Chapter 122

**SECTION 10.** That the expenditures and payments made from the road fund under the provisions of this Act shall be on warrants of the Road Superintendent, countersigned by the County Chairman or Judge of the County, to be drawn upon the Trustee or County Treasurer, and paid by him out of the funds available for public roads of the said County under the provisions of this Act. The Trustee of said County shall receive no additional compensation for collecting, handling and disbursing said funds.

**SECTION 11.** That it shall be unlawful for any Road Superintendent to appoint, employ or contract with any member of his immediate family, including parents, children, brothers or brothers-in-law, for services or materials provided for under the provisions of this Act.

As amended by: Private Acts of 2011, Chapter 22

**SECTION 12.** [Deleted by Private Acts of 2011, Chapter 22]

As amended by: Private Acts of 2011, Chapter 22

**SECTION 13.** That the County Judge or Chairman, by and with the consent of the Quarterly County Court at its first adjourned or regular session after the passage of this Act, shall appoint two members of the County Court, which members shall not be of the same political party, and said members so appointed, together with the County Judge or Chairman, shall constitute a Purchasing Committee, whose duty it shall be to purchase for the use of the County stone crushers, road rollers, engines, tractors, trucks and road machinery, and such other equipments, tools and materials as may be necessary for the construction, repair and maintenance of the public roads of said County, all of which shall be paid for out of the County road funds for the current year, or from the proceeds of bonds or county warrants sold for such purposes as provided by law.

The Road Superintendent shall make known to the Quarterly County Court and to said Purchasing Committee the kind and amount of machinery, tools and apparatus needed for the repair, maintenance and upkeep of the roads of the County.

All contracts for the purchase of machinery, equipment or tools made by the Purchasing Committee in behalf of the County shall be signed by the County Judge or Chairman.

All road machinery shall be under the care of the Road Superintendent, and the expense of caring for same shall be borne by the County. He shall provide a proper place for the housing of all machinery and tools and cause the same to be stored therein when not in use.

**SECTION 14.** That the Road Superintendent may, with the approval of the County Court, lease or hire stone crushers, road rollers, traction engines, etc. The expense thereof shall be paid by him in like manner out of the moneys belonging to the road fund for the repair and improvement of the public roads of the County.

**SECTION 15.** That the Road Superintendent, with the approval of the Purchasing Committee, or said Purchasing Committee may purchase of the owner any gravel bed, pit or stone quarry within the County, and if they cannot agree with the owner of said gravel bed, pit or quarry, they may, in behalf of the County, acquire same by condemnation, provided it is more than 1,000 feet from any house, barn, orchard or vineyard, unless damage is waived by the owner. The purchase price of such stone or gravel and the damages awarded in such condemnation proceeding, together with the cost and expense thereof, shall be a charge against the road fund and paid out of the moneys collected therefor as provided by law.

**SECTION 16.** That all applications to open, change or close any and all public roads shall be made to the County Road Superintendent by written petition, which shall designate the road to be opened, changed or closed, giving the beginning point, its general course, and the owners of land over which it shall pass to the closing point. The said Superintendent shall, within ten days after receiving said petition, designate a date when he will view said road and cause notice of same to be observed on each land-owner, or his agent, and attorney if a non-resident, and also notify the first signer of said petition, such notice to land-owners and the first signer to be given at least five days before the date set for the viewing of the road. At the time designated, the said Superintendent will go upon the premises and view said road, assess such damage, as any land-owner may be entitled to, directing that the same be paid out of the County Treasury, and he shall make a written report of his action and file the same with all petitions, notices, and other papers with the Clerk of the County Court within ten days after the date of viewing said road. Any land-owner or person materially affected who may desire to contest the action of the Superintendent of Roads may file same in writing, setting up his grounds with the Clerk of the County Court within five days after the date allowed for the filing of the Superintendent's report. The party filing protest may, by demanding same in his protest or petition, have an open hearing or trial before the Chairman of the County, or County Judge, and have witnesses summoned to be examined, such protestant or petitioner shall give bond to secure the cost of such hearing if taxed against him. Any such petitioner or Protestant may appeal from the action of the County Court to the next term of Circuit Court on giving bond for costs provided such appeal is prayed within five days from the date of entering the final order of the County Judge or Chairman. In all cases, whether there be protests or not, the County Judge or Chairman shall review the report of the Superintendent and report shall be approved and adopted by his order before it becomes finally effective.

**SECTION 17.** [Deleted by Private Acts of 1931, Chapter 314].

**SECTION 18.** That an Act to provide for the creation of the office of Road Superintendent and for his appointment and qualification and to fix his salary and to provide for the appointment of an Assistant Road Superintendent, and to provide for the working and repairing, opening and closing the changing of the public roads of all classes in all counties in the State of Tennessee having a population of not less than 32,822 nor more than 32,826, according to the Federal Census of 1920, or any subsequent Federal

Census, passed March 30th, 1925, approved April 13th, 1925, and entitled Chapter No. 457 of the Private Acts of 1925, and an Act entitled Chapter No. 599 of the Private Acts of 1923, and an Act entitled Chapter No. 193 of the Private Acts of 1915, and all subsequent amendments thereto, in particular Chapter 508 of the Acts of 1921, and Chapter 189 of the Acts of 1919, be and the same are hereby repealed.

**SECTION 19.** That all Acts or portions of Acts in conflict with this Act be and the same are hereby repealed.

**SECTION 20.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 10, 1927.

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