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# Road Law

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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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# Road Law

## Private Acts of 1939 Chapter 435

**SECTION 1.** That in all counties in this State having a population of more than 9,715 and less than 9,725 according to the Federal Census of 1930, or any subsequent Federal Census, there is created the office of Superintendent of Roads, and the qualifications of the person to fill this office shall be that he is a citizen of the county in which he is to serve, and shall be above the age of twenty-five years.

**SECTION 2.** That the Superintendent of Roads in all such counties shall, before entering upon the duties of such office, take and subscribe to an oath that he will support the Constitution of the United States and the Constitution of the State of Tennessee, and that he will faithfully, impartially, diligently and to the best of his ability and skill, perform all duties required of him as such Superintendent of Roads, and account for all monies and property coming into his hands as such Superintendent, and he shall also execute and file in the office of the County Court Clerk a good and sufficient bond in the penalty of Ten Thousand Dollars, which shall be approved by the County Judge or Chairman, payable to the State of Tennessee for the use and benefit of such county, conditioned upon his faithful performance of his duties as Superintendent of Roads as prescribed by the provisions of this Act, and the faithful accounting for all monies and property belonging to the county which may come into his hands as such official.

**SECTION 3.** The salary of the Superintendent of Roads shall be in the same amount as provided for the Clerk of the County Court of Grundy County in Chapter 24 of Title 8 of Tennessee Code Annotated.

As amended by:

Private Acts of 1949, Chapter 170

Private Acts of 1949, Chapter 750

Private Acts of 1959, Chapter 2

Private Acts of 1970, Chapter 194

Private Acts of 1970, Chapter 195

**SECTION 4.** That the Superintendent of Roads shall have general, complete and exclusive control over the laying out, construction and maintenance of all public roads in his county (except such roads and bridges as are or may be under the supervision and control of the Department of Highways and Public Works of the State) and shall have the right and authority to employ persons to do work in laying out, constructing and repairing all public roads in his county, fix the wages to be paid such employees, which shall not be above the average wage scale prevailing in such counties for similar services, and shall have authority to purchase all necessary supplies, materials and equipment for carrying on the work on the public roads, provided, no equipment the cost of which is more than Five Hundred Dollars, shall be purchased by such Superintendent of Roads without the approval of a majority of the Justices of the County in Quarterly Court assembled.

**SECTION 5.** That the Superintendent of Roads shall, once each month, issue written orders to the County Judge or Chairman for the payment of all salaries and wages including his own salary and the salary of his Clerk, which orders shall contain a brief statement of the time for which payment is made, on what account and the amount, and the County Judge or Chairman shall issue warrants against the road funds of the County for the payment of the same, provided there are funds in the hands of the Trustee of the county to pay the same, and shall preserve said orders in his office.

**SECTION 6.** That when it becomes necessary so to do, in order to efficiently carry out the work on the public roads, as provided for in this Act, the Superintendent of Roads may institute condemnation proceedings for the purpose of condemning land for road purposes, chert beds, rock quarries, gravel beds and/or any other road building material necessary for the construction and maintenance of the public roads in such counties. The damages assessed against the county in all such cases shall be paid by the County Judge or Chairman out of the road funds of the county, upon a certificate from the Superintendent of Roads.

**SECTION 7.** That the Superintendent of Roads shall have supervision, charge of and exclusive control over all machinery and equipment owned by the county and/or used in the construction and maintenance of all public roads in such counties, as well as all tools, supplies and equipment belonging to such counties, and he shall make a complete inventory of the same and file a copy thereof in the office of the County Court Clerk within thirty days after taking office.

**SECTION 8.** There shall be elected by the qualified voters of such counties at the next regular August election 1966, and at each succeeding quadrennial election thereafter a suitable person as Superintendent of Roads, who shall take office on the first day of September following his election and who shall hold office for four years and thereafter until his successor in office is elected and qualified.

As amended by:

Private Acts of 1965, Chapter 166

**SECTION 9.** That in the event of a vacancy in the office of Superintendent of Roads, the Quarterly County Court shall, at its next regular session or at a special session called for that purpose, elect a Superintendent of Roads to serve in compliance with the provisions of this Act until his successor shall have been elected and qualified as herein provided.

**SECTION 10.** That such Superintendent of Roads, either with or without the consent of a majority of the Justices of the County, shall not enter into any obligation for machinery, equipment of supplies beyond the ability of the county to pay for the same during the incumbency of the Superintendent of Roads making such purchases.

**SECTION 11.** That in making purchases for supplies and equipment, competitive bidding shall be allowed among the proposed sellers, except in emergency purchases where the purchase shall not exceed twenty-five dollars.

**SECTION 12.** That the Superintendent of Roads shall have the authority to contract with any State or Federal Agency by which the road funds of the county may be supplemented or augmented to that additional employees may be employed on road work and/or bridge construction or repairs, beyond the ability of the county alone to employ provided that such contracts shall not incur any liability to the county above the revenue of that county for road purposes.

**SECTION 13.** That the method of opening, closing or changing the location of any public road in such counties as provided for in Sections 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, and 2741 of the Code of Tennessee, shall not be changed or abridged by this Act, but the same are to be left in force and effect and applicable to all counties coming under the provisions of this Act.

**SECTION 14.** That the Superintendent of Roads shall submit to each Quarterly Session of the County Court a full and complete report of his activities as such Superintendent of Roads, showing in each report the amount of road funds on hand at the beginning of the quarter together with the amount expended for labor, supplies, materials, and equipment, and the amount expended on each account, together with a list of articles purchased, the number of laborers employed, the number of new miles constructed or the fractions thereof, and where located, during the quarter for which said report is made.

**SECTION 15.** That in the event any Section of this Act is declared invalid, the remaining Sections shall remain in full force and effect, as it is declared to be the Legislative intent to enact each Section separately.

**SECTION 16.** That this Act take effect from and after August Election 1940, the public welfare requiring it.

Passed: March 1, 1939.

**COMPILER'S NOTE:** The Tennessee County Highway Law, codified in Title 54, Chapter 7 of Tennessee Code Annotated, has superseded or expanded portions of this act.

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