



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.

Sincerely,

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Chapter IX - Highways and Roads

Road Law

Private Acts of 1933 Chapter 24

SECTION 1. That in all counties of the State of Tennessee having a population of not less than 17,545 and not more than 17,555 according to the Federal Census of 1930 or any subsequent Federal Census, there shall be a Road Supervisor, who shall have charge of all county roads in counties coming under the provisions of this Act.

SECTION 2. That said Road Supervisor shall have the following powers, duties and authority, among others set out in this Act and under the limitations and conditions thereof, to wit:

1. General supervision, control and management, directly of all public roads and bridges of the County (not supervised and maintained by the State) and all the working of roads and construction of bridges, culverts or other work and construction necessary.
2. To make all contracts necessary for working roads, building bridges or other construction and as to any and all requirements necessary in maintaining such roads, bridges, or other construction including the authority to contract with any municipal corporation in said county or counties for building, repairing, and maintaining streets of such municipality and monies derived from such contracts shall be paid over to the County Trustee in said county or counties and treated as other county road funds.
3. To make or cause to be made all plans and specifications necessary to be made for work on construction. Also to make or cause to be made any surveys necessary.
4. To take any action necessary to prevent the obstruction of roads or injury thereto, to bridges or other construction, or to other property of the county.
5. To work inmates of the County Workhouse on the roads as hereinafter provided.
6. To hire labor and purchase materials necessary to be used in the construction and maintenance of said roads.
7. To do and perform each, other and further act necessary in maintaining roads which conforms to the spirit and intent of this Act, not inconsistent with the purpose and intent thereof.

As amended by: Private Acts of 1963, Chapter 191

SECTION 3. That in the event Marion County comes within the provisions of this Act that J.H. Moore of Jasper, Tennessee, shall be, and is hereby named, the Road Commissioner. Said J.H. Moore shall serve as such Supervisor until the first day of September, 1934. The term of said Road Supervisor is fixed at two years and his successor shall be elected at the regular August election of 1934 to hold for two years from September 1, 1934. The Supervisor shall be a free holder and resident of the county in which he is elected or appointed. Beginning on September 1, 1968, the term of this office is four (4) years.

As amended by: Private Acts of 1967-68, Chapter 409

SECTION 4. That all monies received from the county, or the State of Tennessee through the Department of Highways and Public Works or from the Federal Government or from any other source, the Trustee of said county shall deposit the same in a separate fund to be known and designated as Marion County's Rural Road Fund.

SECTION 5. The County Road Supervisor shall receive an annual salary in the same amount as the annual compensation provided for the Marion County Trustee, such salary to be paid in equal monthly installments out of the road funds of the county, in the same manner as other county officials are paid. The Road Supervisor shall be paid \$1200.00 per annum for expenses in addition to his salary, payable at the rate of \$100.00 per month and to be drawn by check upon the Trustee of the county in the same manner as his salary.

The Supervisor shall pay by check upon said Trustee against said fund for all labor, material, machinery, salaries and all other things necessary to carry out the work provided for by this Act.

As amended by: Private Acts of 1949, Chapter 138
Private Acts of 1953, Chapter 340
Private Acts of 1959, Chapter 106
Private Acts of 1963, Chapter 191
Private Acts of 1967-68, Chapter 117

SECTION 6. That the Road Supervisor shall have general supervision, control and management of the

construction, maintenance and repair of all county roads and county bridges in the county. And there is hereby conferred upon him all the authority and power necessary for the proper exercise and discharge of his duties. And to this end, except as hereinafter limited, the Supervisor is hereby given authority to purchase new machinery or trade in old for new, when in his judgment it is to the best interest of the county. But the Road Supervisor and the County Judge or Chairman shall act as joint purchasers in buying machinery or in trading machinery, necessary to carry on the work of construction and maintenance of all roads and bridges coming under the management and control of said Supervisor. The County Judge or Chairman and the County Road Supervisor acting jointly are clothed with authority to sell and dispose of equipment which has become old and obsolete or for other reasons no longer useful for building, repairing, and maintaining roads in such counties.

As amended by: Private Acts of 1963, Chapter 191

SECTION 7. That the Supervisor in the actual management and execution of his work be empowered to appoint working overseers or foremen, and hire such labor as may in his judgement be necessary in the maintenance and construction of said roads. Said overseers or foremen and employees to be designated and discharged in the discretion of the Supervisor.

SECTION 8. That before the Supervisor enters upon his duties he shall enter into a solvent bond, payable to the State for the use of the county in the penal sum of \$5,000.00, conditioned upon the faithful performance of his duties set out in this Act.

SECTION 9. That the county court may in its discretion levy a Road Tax of a sufficient rate to provide funds for the carrying out of the provisions of this Act.

SECTION 10. That upon the passage of this Act and the qualification of the Supervisor herein named, the present Road Commission is hereby directed to immediately deliver to the said Supervisor all road equipment, machinery of every kind and character on hand, all tools, gas and oil, and other property belonging to the county and used in said road work. They are also further directed to deliver to the Trustee of the county or the Supervisor named herein for the Trustee, all monies on hand that have come to the said Road Commission either from the State, Federal or County Governments.

SECTION 11. That the Supervisor shall have charge of any and all prisoners confined in the county jail or workhouse under workhouse sentences as provided by law. And must work them or cause them to be worked on the county roads at his discretion, for such credit on their sentences, fines and costs in time or money as now or hereafter may be provided by law for such work. Provided that nothing herein shall be construed to relieve the Sheriff or Jailer of any responsibility for such, prisoners now or hereafter imposed by law.

SECTION 12. That the county shall have the right of eminent domain for public road purposes to be exercised as provided by law for condemnation of private property for railroad purposes, except that the county shall not be required to make bond for damages as required of railroad companies.

SECTION 13. That all rights of way accepted or condemned shall be of the width as classified by statute for the particular classes of roads for which such rights of way are accepted or condemned. That all gravel, stone, dirt or other road building material may be condemned in the same manner as rights of way as herein provided and charges assessed shall not be in excess of the actual cash value of the material.

SECTION 14. That the Road Supervisor shall order the payment by the County Trustee by written order of all money collected by taxation or otherwise, belonging to the road or bridge fund for the construction, improvement, working or repairing of roads and bridges. Said orders to be drawn and signed by the Road Supervisor. Such orders shall plainly specify (1) the amount to be paid, (2) to whom, (3) for what purpose the expenditure is made; and such orders when so signed and drawn shall be the authority to the Trustee to make payments out of the Road or Bridge Fund.

The Supervisor shall make, swear to and file with the semi-annual County Court of Marion County showing a list of checks issued by him, to whom issued and for what purpose. The County Chairman or Judge shall preserve said reports as public records of the County. The Road Supervisor shall have an office in the county courthouse, wherein he shall keep all the records of his office, which shall be open to public inspection.

SECTION 15. That in case of a vacancy in the office of Road Supervisor by death, resignation or otherwise, that the County Judge or Chairman of the County Court shall have the power to fill said vacancy until the next regular August election for county offices.

SECTION 16. That Chapter 144 of the Private Acts of 1917 be and the same is hereby repealed. And all Acts amendatory thereto be and the same are hereby repealed.

SECTION 17. That all Acts and parts of Acts that conflict with this Act be and the same are hereby repealed.

SECTION 18. That the sections of this Act and parts thereof are declared to be independent sections or parts of sections and the holding of any section or any part thereof unconstitutional, void or ineffective for any cause, shall not effect any other section or part thereof.

SECTION 19. That this Act take effect from the day after the passage, the public welfare requiring it.

Passed: January 19, 1933.

Highways and Roads - Historical Notes

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

1. Acts of 1819, Chapter 169, authorized John Rogers and Charles Sullivan to open a turnpike road from McMinnville to the county seat of Marion County.
2. Acts of 1829-30, Chapter 29, authorized Robert Cozby, John W. Hill, Peter Brown, and Josiah Anderson to open a turnpike road, "commencing in the neighborhood of Ephriam Hixen, Jr. in Sequachy Valley, Marion County" and crossing Walden's Ridge to the west side of Chickamauga Creek.
3. Acts of 1831, Chapter 185, authorized George Wood to open a turnpike across Cumberland Mountain in Marion County.
4. Acts of 1833, Chapter 36, authorized James J. Hornback to build a mill dam across the "Sequatchee" River, provided that he did not obstruct navigation of the River.
5. Acts of 1833, Chapter 52, authorized John C. Haley to open a turnpike road across Walden's Ridge in Marion County.
6. Acts of 1835-36, Chapter 27, named a Board of Turnpike Commissioners for a turnpike to be opened between Marion and Hamilton Counties, to be 18 feet wide, clear of all stumps, trees and other obstructions with bridges 12 feet wide.
7. Acts of 1837-38, Chapter 191, appropriated \$3,000 to Marion County under the supervision of Absalom Dickens, John Mitchell and William Rice, for the improvement of rivers in East Tennessee.
8. Acts of 1841-42, Chapter 130, gave Josiah M. Anderson of Marion County and George W. Williams of Hamilton County two more years in which to complete their turnpike.
9. Acts of 1841-42, Chapter 145, authorized Andrew K. Parker, John Gillentine and Nicholas M. Gillentine to open a turnpike road across Cumberland Mountain from Van Buren County into Marion County.
10. Acts of 1847-48, Chapter 103, gave the Marion County Court authority to build one or more free bridges across Battle Creek.
11. Acts of 1849-50, Chapter 134, empowered the County Court to erect a free bridge across the "Sequatchee" River, but the bridge was not to be an obstruction to navigation, except when the river was unusually high.
12. Acts of 1849-50, Chapter 166, authorized David Wallings to build a turnpike road across Wallings' Ridge in Marion County, into Hamilton County.
13. Acts of 1849-50, Chapter 168, authorized Andrew Stone to open a turnpike road, within two years, from the south bank of the Tennessee River to the Georgia line.
14. Acts of 1851-52, Chapter 251, authorized Henry Long and Henry M. Long of Marion County to open a turnpike from Jasper to Chattanooga, to be opened by April, 1854.
15. Acts of 1909, Chapter 379, created the Pike Road Commission and authorized a tax levy by the Marion County Court for pike roads.
16. Private Acts of 1915, Chapter 682, was a \$100,000 bond issue for the public roads, which was amended by Chapter 5, Private Acts of 1917, to authorize the Pike Commission to pay over to the contractors working on the Marion County roads, up to 90% of the amount earned from this bond sale, as the work progressed on road improvements.
17. Private Acts of 1917, Chapter 144, was a general road law for Marion County. It set up a three member Road Commission, to be elected by the County Court for three year terms. Its members were to be "practical men of business." This Act also had provisions for road duty and for a district road tax as well as a wagon and team tax. This was amended by Chapter 6, Private Acts of 1929, to provide that members of the Road Commission were entitled to receive expenses for the discharge of their duties. This was repealed by Private Acts of 1933, Chapter 24, the current road

law, found in this volume.

18. Private Acts of 1917, Chapter 191, placed all authority to locate, repair and build bridges, and to disburse road funds in the Road Commission.
19. Private Acts of 1919, Chapter 71, was a general road law for Marion County, providing for a three-member road commission to be elected by the County Court. The Road Commission was to employ a Supervisor of Roads, and there were provisions in the Act for a road tax, road duty, and an auto tax and license. The method of collection of the road tax was changed by Private Acts of 1919, Chapter 70. Private Acts of 1919, Chapter 391, amended the road law to provide that the County Judge should have the power to make all purchases for the highway department, except for machinery. In 1920, the requirement of road duty and the tax on pleasure automobiles was dropped in the Acts of 1920 (Ex. Sess.), Chapter 19. The memberships of the Road Commission was increased to seven by Private Acts of 1921, Chapter 82, but Private Acts of 1923, Chapter 183, again reduced the number to three, who were to be elected by the voters. Private Acts of 1925, Chapter 147, was an amendment requiring payment of an auto tax only by automobiles and trucks with a capacity of more than one ton. All of these Acts were repealed by Private Acts of 1927, Chapter 524.
20. Private Acts of 1929, Chapter 247, set the salary of the Road Commissioners at \$150 per year, plus expenses.
21. Private Acts of 1931, Chapter 674, authorized the County Judge to purchase and establish a free ferry at South Pittsburg, Tennessee.
22. Private Acts of 1941, Chapter 495, amended Private Acts of 1931, Chapter 674 by substituting Board of County Commissioners for County Judge and by giving the Board additional authority to collect tolls. The Board of County Commissioners was abolished in 1949, but this amendatory act was never repealed.
23. Private Acts of 1959, Chapter 268, was an attempted amendment to the current road law changing the duties of the Road Superintendent, but it was tabled by the Quarterly County Court and never became effective.

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