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Road Law

Dear Reader:

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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 1965 Chapter 234

SECTION 1. That there is hereby created a Supervisor of Roads who shall have supervision and control over all the county roads and bridges of said county, and over all bridge and highway funds on hand at the effective date of this Act and which thereafter may be raised or become available from any source.

SECTION 2. That the Supervisor of Roads of said county must be at least twenty-five years old, must have been a resident of the county for at least five years, and must be experienced in the construction, and maintenance of roads and bridges, and in the use and maintenance of road machinery.

SECTION 3. That the term of the Supervisor of Roads of Macon County shall be four years, computed from September 1, 1972, and the said supervisor shall be elected by the qualified voters of Macon County at the general election to be held in said county in August, 1972, and at the general election to be held in said county each four years thereafter. Should a vacancy in said office occur it shall be filled by the Quarterly County Court in the manner provided by law for the filling of vacancies in other county offices by the Quarterly County Court.

As amended by: Private Acts of 1972, Chapter 278

SECTION 4. That the Supervisor shall before entering upon the discharge of his duties under this Act take and subscribe to and file with the County Court Clerk an oath that he will perform the duties of his office faithfully, impartially, and without prejudice against or favor to any individual or section of the county and shall execute to the State of Tennessee a bond with a solvent security thereon in the penalty of Twenty Five Thousand Dollars (\$25,000.00), that he will faithfully perform all the duties required of him by this Act and will honestly and faithfully expend and account for all monies coming into his hands or under his disposition as Supervisor, and that he will reimburse the county for any and all expenditures in excess of those permitted by law and his bond shall be approved by the county judge or chairman filed and recorded as provided by law. Such bond may be executed by some solvent indemnity company and if so executed by such a company the premiums are to be paid out of the county road funds.

As amended by: Private Acts of 1969, Chapter 139

Compiler's Note: The provision requiring a \$25,000 bond has been superseded by general law. For the current minimum bond amount see [Tennessee Code Annotated](#) Section 54-7-108.

SECTION 5. That the Supervisor of Roads of Macon County shall be entitled to and shall be paid from the road funds of said county a salary of eight thousand dollars (\$8,000.00) a year to be paid him in equal monthly installments. He shall employ clerical and secretarial help for a salary not to exceed three hundred Dollars (\$300.00) a month and shall employ and fix the compensation of all other employees necessary in his judgment for the carrying out of the duties imposed upon him by this act. The Supervisor of Roads of Macon County shall act as a purchasing agent for all supplies, materials, equipment and machinery required in his judgment for his office and needed to properly construct, repair and maintain the county highway system of roads in said county. Provided, however, that no individual purchase of materials, new equipment or new machinery shall exceed five hundred Dollars (\$500.00), shall be purchased except on competitive bidding after giving notice in a newspaper published in Macon County stating the time and place where bids will be received and the name and general description of the new materials, new machinery or equipment, and provided further that this provision shall not apply to the acquisition and purchase of parts or repairs for or to any machinery or equipment. All bids shall be opened by the supervisor in the presence of two (2) members of the Quarterly County Court who shall be elected annually by the court for that purpose and who shall have authority, with the supervisor, to accept or reject bids. The affirmative vote of a least one (1) of such members, along with the affirmative vote of the supervisor shall be necessary for the acceptance of a bid. For this service the members shall be entitled to receive as compensation eight dollars (\$8.00) a day for each day on which a bidletting meeting is attended. The supervisor is empowered to lease buildings and other real estate for the purpose of properly caring for all county road machinery, tools, materials, and supplies.

As amended by: Private Acts of 1967-68, Chapter 153

Private Acts of 1972, Chapter 278

Compiler's Note: The salary provision of the County Supervisor of Roads has been superseded by general law. For the current minimum compensation of the County Supervisor of Roads, see [Tennessee Code Annotated](#) Section 8-24-102.

SECTION 6. That said supervisor shall have the following powers and authority among others set out in this Act and under the limitations and conditions hereof, to wit:

- (1) Supervision, control and management of all public roads and bridges of the County, and of all

laying out, building and construction of roads, bridges and culverts or other work and construction necessary.

(2) To open, change, widen, close or restore roads of the county to public use, subject to the approval of the Quarterly County Court of the acquisition of any necessary rights-of-way for such purpose either by purchase or the exercise of the power of eminent domain. If the Quarterly County Court approves the acquisition of rights-of-way and it becomes necessary to exercise the county's right of eminent domain, the court may institute condemnation proceedings under the general laws of eminent domain. Damages for the taking of property for county road purposes by eminent domain shall be a charge against the general fund of the county.

(3) To make or cause to be made all plans and specifications for the work or construction of roads and bridges, and to make or cause to be made all necessary surveys.

(4) To make any classification necessary of any and all roads of the County.

(5) To take any action necessary to prevent the obstruction of roads, or injury thereto, or bridges and other highways property of the County, and to regulate the load limit on said bridges of the County.

(6) To maintain an office and keep accurate, complete, and full records of his office including the following:

(1) An "Accounts Payable" record book in which shall be listed all purchases, dates of purchases, from whom purchases made (sic), prices, dates of payments, amounts paid, balances due, and warrant numbers for payments made;

(2) A "Payroll Record" book listing employees, their social security numbers, addresses, number of exemptions, dates of payments, amounts earned, amounts deducted for social security payments and income tax, net amounts paid, a warrant number and other pertinent information;

(3) expense accounts, and;

(4) contracts, which records shall be open to the public at all times.

(7) To issue all warrants for labor, supplies, machinery, materials, salaries, rents, and all other purchases used by his office which warrants shall be drawn on the County Trustee and payable out of the County Road Fund.

(8) To have charge of and to take care of all County road machinery, tools, materials and supplies.

(9) (a) To make a written report to the Quarterly County Court at each regular meeting of the Quarterly County Court of all purchases made or contracted for by the Highway Department, payments made, outstanding obligations, and outstanding warrants at the end of the quarter, and a full annual report at the October Term.

(b) To submit the written report to the office of the County Judge and to two (2) members of the Quarterly County Court, elected to work with him, at least five (5) days before the submission of the written report to the Quarterly County Court, the two (2) members of the Quarterly County Court having the duty and responsibility of making a thorough and complete examination of the report and of taking any voluntary action on their part to substantiate or refute the report, and giving their independent report and appraisal of the County Highway Department to the Quarterly County Court at the same time the report is made by the Supervisor.

(10) To devote his entire attention to the duties of his office.

(11) To employ such capable men of good moral standing as workmen, agents, servants, foremen, overseers and assistants as may be necessary to carry out the provisions of this Act.

(12) To have the management, control, and supervision of all laborers employed by him, said employees to be at all times subject to his orders and to be under his control, and he may discharge any of them for reasonable cause.

(13) To operate within his budget for any particular fiscal year, except that he shall be allowed credit for any contracts which he has made with the state or federal governments for the construction of roads and for which the money has not been received during the fiscal year for which the report is made.

As amended by: Private Acts of 1967-68, Chapter 153
Private Acts of 1969, Chapter 139

SECTION 7. Two (2) members of the Quarterly County Court shall serve as a Quarterly County Court

advisory committee to the County Road Supervisor, their duties and responsibilities being that of conferring with and advising the county road supervisor on the duties of the Supervisor, and advising the Quarterly County Court of the financial condition and any substantial changes in the financial conditions of the County Highway Department.

As amended by: Private Acts of 1969, Chapter 139

SECTION 8. That this Act shall be effective on and after September 1, 1968, provided, however, that the election of the Supervisor of Roads of Macon County who is to take office on that date shall be held as above provided at the August, 1968, general election.

SECTION 9. That this Act shall be void and of no effect unless it shall be approved by a majority of the qualified voters of Macon County in a special election to be held on Saturday, May 22, 1965, and the Commissioners of Elections for Macon County are directed to call such election and cause the same to be conducted in accordance with the statutes governing special elections and to certify the results thereof.

Passed: March 15, 1965.

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