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Chapter IX - Highways and Roads

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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Chapter IX - Highways and Roads

Road Law

Private Acts of 1949 Chapter 313

SECTION 1. There is hereby created and established a Road Commission for Hamblen County, Tennessee to consist of seven (7) members who shall qualify from the road district in which they reside and shall be voted for only by the qualified voters of the respective road districts, beginning with the August general election of 1988, and every four (4) years thereafter. Road Commissioners elected from the respective districts shall assume office on September 1, following their election and shall serve for terms of four (4) years.

One (1) member of the County Road Commission shall be elected by the qualified voters of each of the seven (7) county road districts within the county as follows:

Road district one (1) shall consist of County Legislative Districts one (1) and two (2); road district two (2) shall consist of County Legislative Districts three (3) and four (4); road district three (3) shall consist of County Legislative Districts five (5) and six (6); road district four (4) shall consist of County Legislative Districts seven (7) and eight (8); road district five (5) shall consist of \Ccounty Legislative Districts nine (9) and ten (10); road district six (6) shall consist of County Legislative Districts eleven (11) and twelve (12); road district seven (7) shall consist of County Legislative Districts thirteen (13) and fourteen (14). Such Legislative Districts shall be as defined by resolution of the County Legislative Body of Hamblen County adopted on November 16, 1981, in accordance with the reapportionment, which resulted from the 1980 Federal Census, in order to comply with provisions of Tennessee Code Annotated, Title 5, Chapter 1.

If any Road Commissioner moves his residence from the road district from which he is elected, his office shall thereby be vacated. In such case, and in case of other vacancies occasioned by death, disability, resignation or any other case, the County Legislative Body shall elect some qualified person from the road district to fill the vacancy for the remainder of the unexpired term.

Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

As amended by:

- Private Acts of 1951, Chapter 398
- Private Acts of 1953, Chapter 219
- Private Acts of 1969, Chapter 74
- Private Acts of 1982, Chapter 306
- Private Acts of 1988, Chapter 143
- Private Acts of 1996, Chapter 161

SECTION 2. Upon attending the regularly scheduled meetings of the Road Commission, the Road Commissioners shall receive as compensation for their services a sum of no less than two hundred dollars (\$200.00) a month, with the exception of the chairman, who shall receive a sum of no less than three hundred fifty dollars (\$350.00). The amount of the compensation shall be determined by the legislative body of Hamblen County and is payable out of the road funds of the county.

The members of the Road Commission shall elect one of their members to serve as chairman. A majority of the Road Commission shall constitute a quorum for the conduct of business.

As amended by:

- Private Acts of 1949, Chapter 313
- Private Acts of 1967-68, Chapter 366
- Private Acts of 1991, Chapter 1
- Private Acts of 1996, Chapter 161
- Private Acts of 2023, Chapter 1.

SECTION 3. At the regular August election in 1996, and every four (4) years thereafter a Road Superintendent shall be elected by popular vote by the qualified voters of Hamblen County to serve a term of four (4) years. The Road Superintendent shall assume office on September 1 following the election and shall continue to hold office until a successor is elected and qualified. The candidate receiving the highest number of votes shall be declared elected. The election for such office shall be held in the manner prescribed by general law, except for the first election only to be held in August, 1996, the qualifying deadline shall be no later than twelve o'clock (12:00) noon, prevailing time, on May 23, 1996. The qualifications and salary for Road Superintendent shall be as prescribed by the County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7.

Before entering upon the discharge of his duties, the Road Superintendent shall take and subscribe to an oath that he will perform the duties of his office faithfully and impartially and without prejudice against or in favor to any section of the county or individual, that he will faithfully and impartially execute and perform all the duties imposed upon him without fear, favor or partiality, that he will honestly and faithfully expend and account for all moneys coming into his hands and honestly and faithfully discharge all duties required of him by law. The Road Superintendent shall execute to the State of Tennessee a good and solvent bond in the amount required by general law.

As amended by: Private Acts of 1949, Chapter 679
Private Acts of 1953, Chapter 170
Private Acts of 1963, Chapter 111
Private Acts of 1974, Chapter 274
Private Acts of 1996, Chapter 161
Private Acts of 1999, Chapter 14

SECTION 4. (a) The Road Superintendent shall be responsible for the building, repairing and maintenance of the roads in the county. It shall be the duty of the Road Superintendent to go over or travel the roads in the county at least once a month in order to properly ascertain the condition of the roads in each civil district.

Personnel for the Hamblen County Road Department shall be employed upon the recommendation of the Road Superintendent and approved by the Road Commission. All employees of the Hamblen County Road Commission shall be subject to the same personnel policies and procedures which apply to other county employees.

Nepotism within the Hamblen County Road Department is discouraged and shall be kept to a minimum by the Road Commission. The Hamblen County Road Department shall further be subject to any policy on nepotism adopted by the County Legislative Body of Hamblen County.

(b) In addition to the duties prescribed in subsection (a), the Road Superintendent may be required to oversee the Hamblen County Sanitation Department. Any supplemental salary arising out of and relating to such oversight of the Hamblen County Sanitation Department shall be subject to the approval of the Legislative Body of Hamblen County.

As amended by: Private Acts of 1996, Chapter 161

SECTION 5. The system of fiscal procedure, control and centralized accounting which conforms to generally accepted principles of governmental accounting established for Hamblen County and under the administrative control and direction of the County Mayor shall apply to the Road Commission. On a not less than monthly basis, the Hamblen County Road Commission shall review, approve and initial each invoice prior to a warrant being issued. All expenditures authorized by the Hamblen County Road Commission and Road Superintendent shall be made by warrant then signed by the County Mayor and countersigned by the Hamblen County Finance Director. Nothing in this section shall be construed as preventing or prohibiting an authorized expenditure from being paid by warrant signed by the Road Superintendent and countersigned by the Chairman of the Hamblen County Road Commission.

As amended by: Private Acts of 1996, Chapter 161
Private Acts of 2003, Chapter 29
Private Acts of 2004, Chapter 72

All purchases of supplies, materials, equipment, gas, oil and tires whose total price does not exceed the sum of Five Hundred Dollars (\$500.00) shall be made by the Road Superintendent. All other items whose total purchase prices is in the excess of Five Hundred Dollars (\$500.00) shall be made by the Road Commission upon advertising and by taking competitive bids, such bids to be sealed and opened at the time and date according to the advertisement.

The Bookkeeper shall maintain an office at the County Garage, and shall be custodian of all supplies, maps and records. Such office and records shall be open to the public during regular working hours. The Bookkeeper shall keep complete and adequate record of all purchases made, as well as expenditures, and shall submit full and complete reports to the Road Commission whenever required to do so.

SECTION 6. All laws or parts of laws in conflict with this act are hereby expressly repealed.

As amended by: Private Acts of 1972, Chapter 343
Private Acts of 1975, Chapter 138
Private Acts of 1996, Chapter 161

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

As amended by: Private Acts of 1996, Chapter 161

SECTION 8. [Deleted by Private Acts of 1996, Chapter 161]

As amended by: Private Acts of 1949, Chapter 679

SECTION 9. [Deleted by Private Acts of 1996, Chapter 161]

Passed: February 24, 1949.

Highways and Roads - Historical Notes

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

1. Acts of 1901, Chapter 136, was a general road law for all counties in the state with a population of less than 70,000 according to the 1900 Federal Census, or any subsequent Federal Census.
2. Acts of 1905, Chapter 485, regulated the improvement of county roads in Hamblen County and provided for a bond issue to finance those improvements. This Act specified the roads to be improved, but also provided that any landowner could petition the County Court for the road alongside his property to be improved and any citizen of the county could petition the County Court to authorize any county road to be macadamized. This Act was repealed by Acts of 1907, Chapter 252.
3. Acts of 1907, Chapter 346, declared the tax which had been collected under the provisions of Acts of 1905, Chapter 485, was to be part of the general road fund, and Acts of 1907, Chapter 565, directed the County Trustee to pay those funds into the county road fund.
4. Acts of 1907, Chapter 522, authorized the County Court to purchase all road machinery that it considered in the interest of the county to own.
5. Private Acts of 1915, Chapter 100, was a general road law for Hamblen County, which created a Board of Road Commissioners and established the office of Road Superintendent. It also abolished Road districts and provided for a tax levy to maintain the county roads. This Act was amended a number of times before it was superseded by the current road law, found in this volume. The Acts which are amendatory to Private Acts of 1915, Chapter 100, were:

As amended by:

Private Acts of 1917, Chapter 593,
Private Acts of 1919, Chapter 669,
Private Acts of 1919, Chapter 712,
Private Acts of 1921, Chapter 465,
Private Acts of 1927, Chapter 197,
Private Acts of 1931, Chapter 616,
Private Acts of 1933, Chapter 384.

6. Private Acts of 1927, Chapter 779, authorized Hamblen County to apply any surplus or a recent road bond issue to the finishing of State Highway 34 and for use in improving any of the county roads.
7. Private Acts of 1953, Chapter 170, was amendatory to Private Acts of 1949, Chapter 313, Section 3, (the current Hamblen County road law), and was amended itself by Private Acts of 1963, Chapter 19. Both of these Acts were repealed by Private Acts of 1967-68, Chapter 366.
8. Private Acts of 1963, Chapter 111, was also amendatory to Section 3 of the current road law of Hamblen County. It also was repealed by Private Acts of 1967-68, Chapter 366.
9. Private Acts of 1999, Chapter 14, amended Private Acts of 1996, Chapter 161, provided that the superintendent of roads be appointed by the county commission beginning with the term of office starting September 1, 2000. This act did not receive local approval.
10. Private Acts of 2003, Chapter 29, relative to the road commission was repealed by Private Acts of 2004, Chapter 72.

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