



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

## Transportation Department

### Private Acts of 1976 Chapter 265

**SECTION 1.** For the purpose of providing an efficient system of roads, highways, and bridges and the building, construction, reconstruction, maintenance and repair of roads, highways, and bridges in Loudon County, Tennessee, and to provide for the development of other public means of transportation, a Department of Transportation for said County is hereby created.

**SECTION 2.** There is hereby established the office of Commissioner of Transportation. The said Commissioner of Transportation will be elected for a term of four years, the first election for said official to be by the qualified voters residing in Loudon County, in the general election to be held on the first Thursday in August, 1978, as now provided by law, and every four years thereafter. The said Commissioner shall be a bona fide resident of Loudon County and shall otherwise bear the qualifications as required by "The County Uniform Road Law", Chapter 738, Public Acts of the Tennessee General Assembly of 1974 (Adj. Session), and as said Act might be amended in the future, the said chapter being codified as Tennessee Code Annotated 54-1001 through 54-1017. In the event of a vacancy in the office, the vacancy will be filled by appointment of the County Judge subject to approval of the Quarterly Court, such appointed Commissioner to serve until September 1 following the next general County election after the vacancy occurs, at which time a new Commissioner will be elected.

**SECTION 3.** The Commissioner of Transportation shall have the qualifications, term of office, duties, powers and authority and minimum compensation as provided by "The County Uniform Road Law" as codified in Tennessee Code Annotated 54-1001 through 54-1017, and shall be subject to the same limitations, conditions prohibitions and punishments as provided in the aforesaid County Uniform Road Law. The compensation or salary of said commissioner may be increased by action of the Quarterly Court. All employees of said Department shall be subject to any system of merit service, and/or job description, and pay classification, that may be adopted by the Quarterly Court.

**SECTION 4.** The Commissioner of Transportation shall hold a public meeting at least once a month on the fourth Monday of each month at 7:30 in the evening for the purpose of giving the citizens of the County an opportunity to appear and be heard as to complaints, criticisms, requests, petitions, and discussion as to the problem of any specific roads or highways or bridges in Loudon County, or the general plans of the Department of Transportation.

**SECTION 5.** That the duties and responsibilities of the Loudon County Commissioner of Transportation also shall encompass the planning for, and administration of, other modes of transportation that will benefit the people of the County, and further shall encompass such other duties and responsibilities as might be assigned to the Commissioner and the Department by the Quarterly County Court.

**SECTION 6.** Upon petition by ten percent (10%) of the registered voters of Loudon County, an election shall be called by the county election commission for the purpose of recalling and removing from office the Loudon County Commissioner of Transportation. At the recall election, a majority of those voting shall be required to remove the Commissioner from office. If the Commissioner is removed from office, the vacancy will be filled by appointment of the County Judge, subject to approval of the Quarterly Court, such appointed Commissioner to serve until September 1 following the next general county election after the vacancy occurs, at which time a new Commissioner will be elected. The county election commission shall prescribe the form to be used in the recall petition and shall verify the signatures thereon as being those of registered voters in Loudon County. The qualifications of voters voting in the election shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the recall election.

**SECTION 7.** That Chapter 19 of the Private Acts of 1937 (3rd Extraordinary Session), Chapter 552 of the Private Acts of 1939, Chapters 3, 4, and 273 of the Private Acts of 1953, Chapter 324 of the Private Acts of 1955, Chapter 367 of the Private Acts of 1968, and Chapter 318 of the Private Acts of 1974, and all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

**SECTION 8.** All sections of this act and parts thereof are declared to be independent sections, or parts of sections, and the holding of any section or part thereof to be unconstitutional or void shall not affect any other section or provision of this act.

**SECTION 9.** That all laws and parts of laws in conflict with this Act are hereby repealed. The Act shall have no effect unless it is approved by a majority of the number of qualified voters of Loudon County,

Tennessee, voting in an election on the question of whether or not the Act should be approved. The ballots used in the regular election to be held on August 5, 1976, shall have printed on them the substance of this Act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this Act.

**SECTION 10.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 9.

Passed: March 11, 1976

## Highways and Roads - Historical Notes

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

1. Public Acts of 1901, Chapter 136, regulated the working and laying out of public roads in the state, except in counties of 70,000 citizens and over according to the 1900 Federal Census.
2. Acts of 1907, Chapter 572, authorized Loudon County, upon an affirmative vote of the people, to build and macadamize public and pike roads in said county; to appoint commissioners and fix their duties; and issue and sell bonds for the purpose of this act; and provided for the payment of interest on and principal of said bonds. This was amended by Acts of 1909, Chapter 100, which substituted "improve" for "macadamize" in the original act, and by Acts of 1909, Chapter 322, which required the sinking fund commissioners to execute an oath.
3. Private Acts of 1911, Chapter 198, authorized Loudon County to issue a bond issue of \$100,000, at an annual interest rate of 5% and a maturity date within thirty years in order to improve the county roads. This act also provided for the creation of a pike commission and a tax to pay the interest and principal of said bonds.
4. Private Acts of 1913, Chapter 338, authorized Loudon County to issue bonds for the purpose of improving the public roads in said county, the building of bridges where necessary, the sale of the said bonds, the building of certain roads, the appointment of pike commissioners, and to fix their duties and salary. This act also provided for the levying of a tax to pay the interest and the principal of the bonds, and the election of sinking fund commissioners. This act was amended by Private Acts of 1915, Chapter 599, so as to require Loudon County Court spend \$10,000, or so much thereof as may be necessary, of the proceeds of the sale of said \$150,000 of bonds, for the purpose of grading and improving the public road in Loudon County, running from Easton's Cross Roads to the Knox County line.
5. Private Acts of 1917, Chapter 675, authorized Loudon County to issue \$100,000 in bonds to be used for constructing turnpikes, building bridges, and improving public roads under the supervision of three pike commissioners. These bonds were to mature in not more than thirty years at a maximum interest rate of 5%. This was amended by Private Acts of 1919, Chapter 72, which gave the Loudon County Court the power to designate which roads were to be improved. Private Acts of 1921, Chapter 709, also amended the 1917 act, so as to authorize the issuance of an additional bond issue of \$250,000; and this amendatory act was amended by Private Acts of 1925, Chapter 538, to change the method of advertising and accepting bids for the road work.
6. Private Acts of 1919, Chapter 470, authorized the Loudon County Court to levy special taxes for the purpose of building bridges across rivers and streams, so as to connect any highways crossing said rivers or streams in Loudon County.
7. Private Acts of 1919, Chapter 499, was the first general road law for Loudon County. It abolished the office of district road commissioners and created the office of road superintendent, elected by the quarterly county court. Private Acts of 1921, Chapter 282, amended this act to require the road superintendent to keep an inventory of all road tools and machinery under his control. Private Acts of 1923, Chapter 176, was another amendment to the 1919 act, setting the term of the road superintendent at not less than one year nor more than four years. Private Acts of 1927, Chapter 464, amended Chapter 499, by prescribing the qualification of the road superintendent. Private Acts of 1929, Chapter 187, repealed Private Acts of 1927, Chapter 464. Private Acts of 1929, Chapter 653, provided that the road superintendent was to be elected by the voters for a two year term and that the salary of the road superintendent be \$1,800 per annum. Private Acts

of 1919, Chapter 499 and all amendatory acts were repealed by Private Acts of 1937 (3rd Ex. Sess.), Chapter 19.

8. Private Acts of 1919, Chapter 528, authorized Loudon, Monroe and Knox counties to issue bonds to the extent of \$1.00 on each \$100.00 of taxable property. The funds from these bonds were to be used to build bridges across streams and rivers, to connect state highways.
9. Private Acts of 1927, Chapter 600, validated the issuance of \$150,000 of highway bonds by the Loudon Quarterly County Court and provided for the levy and collection of a tax on all taxable property within said county for the purpose of paying principal and interest of such bonds.
10. Private Acts of 1927, Chapter 601, validated the issuance of \$480,000 in highway bonds by the Loudon County Quarterly Court and provided for the levy and collection of a tax on all taxable property for the purpose of paying principal and interest of such bonds.
11. Private Acts of 1933, Chapter 666, provided that the cost of purchasing all rights-of-way in Loudon County was to be paid out of the county's share of the automobile license fund.
12. Private Acts of 1937 (3rd Ex. Sess.), Chapter 19, created a three member board of highway commissioners in Loudon County and provided for the election, qualifications, term of office, duties and compensation of the members of said board. This act also transferred to said board the powers and duties of the road superintendent of the county and placed said road superintendent under the supervision of said board and provided for the abolishment of the office of board superintendent.
13. Private Acts of 1939, Chapter 552, amended the original 1937 road law by providing all members of the Loudon County Board of Highway Commissioners serve for a 2 year term and that the commissioners receive a salary of \$25 per month.
14. Private Acts of 1949, Chapter 724, amended the 1939 road law to provide that the board of highway commissioners be elected by the quarterly county court rather than by the voters, but this act was repealed by Private Acts of 1953, Chapter 4.
15. Private Acts of 1953, Chapter 3, deleted the provision in the 1937 road law that no more than 2 of the 3 board members of the commission could be of the same political faith.
16. Private Acts of 1953, Chapter 273, rewrote almost all of section one of the 1937 road law. It divided the county into three districts with one member to be elected from each district. It no longer forbid members from being related to a member of the county court, but did forbid one person from serving on both the highway commission and the county court. The act also authorized the hiring of a road superintendent and other necessary employees.
17. Private Acts of 1955, Chapter 324, attempted to amend Private Acts of 1953 Chapter 273, by increasing the salary of the highway commissioners, but this act was not approved by the local authorities.
18. Private Acts of 1963, Chapter 224, would have provided for a system of public roads and created the office of county road superintendent, but its provisions were rejected on the local level.
19. Private Acts of 1965, Chapter 177, attempted to create the office of county road superintendent in Loudon County, however, this act was rejected by the Loudon County Quarterly Court.
20. Private Acts of 1967-68, Chapter 367, increased the additional hourly wage from \$1.00 to \$2.00 per hour paid to members of the board of highway commissioners for actual labor upon the highways, limited to 48 hours per week. The monthly salary of \$50.00 was retained.
21. Private Acts of 1972, Chapter 398, attempted to reorganize the county highway department in Loudon County, but failed to gain local approval. It would have created a department of highways, with both a board of highway commissioners and a county highway superintendent.
22. Private Acts of 1974, Chapter 318, amended Private Acts of 1937, Third Extra Session, Chapter 19, so as to increased the pay of the members of the board of highway commissioners to \$3.00 per hour.

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