



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

March 15, 2025

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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Table of Contents

Road Law	3
Private Acts of 1951 Chapter 114	3

Road Law

Private Acts of 1951 Chapter 114

COMPILER'S NOTE: Parts of this act have been superseded by the County Uniform Highway Law found in Tennessee Code Annotated Title 54, Chapter 7.

SECTION 1. That there is hereby created the office of County Road Superintendent for Lincoln County, Tennessee. Tom Sumners is hereby named as the first Road Superintendent and shall serve as such until September 1, 1952. At the regular election for County officials to be held in August, 1952, and every four years thereafter, there shall be elected by the qualified voters of Lincoln County a County Road Superintendent.

As amended by: Private Acts of 1955, Chapter 143
Private Acts of 1965, Chapter 138

SECTION 2. That said County Road Superintendent shall receive as his compensation the sum of \$10,000.00 per year payable in equal monthly installments out of the County funds of Lincoln County by warrant drawn upon the County Trustee. Said warrant shall be signed by the Road Superintendent and countersigned by the County Judge. Lincoln County shall furnish the Road Superintendent with adequate transportation facilities, either a pick-up truck or automobile, together with tires, gas, and oil to be used in the performance of his official duties. The person holding the office of County Road Superintendent shall devote his full time to the performance of his duties as such County Road Superintendent.

As amended by: Private Acts of 1965, Chapter 275,
Private Acts of 1970, Chapter 22

COMPILER'S NOTE: The salary provision of the County Supervisor of Roads has been superseded by general law.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 3. That the Road Superintendent shall be a person of not less than 25 years of age and shall be a licensed engineer or have at least 10 years practical experience in road building and maintenance.

SECTION 4. That the Road Superintendent shall have full and complete control and supervision of all of the roads of said County which are not a part of the State Highway System. The jurisdiction and authority with reference to the bridges of said County shall come under the supervision of the Road Superintendent, who shall have exclusive control over the maintenance, management and supervision of the Road Department with complete power to employ and discharge such employees as he may see fit, including a bookkeeper and garage foreman. The garage foreman shall be a skilled mechanic. The wage scale of all employees shall be fixed by the Road Superintendent and be paid out of the general road fund of Lincoln County upon a warrant signed by the County Road Superintendent and countersigned by the County Judge.

SECTION 5. That it shall be the duty of the Road Superintendent to keep or cause to be kept an accurate and complete record of all receipts and disbursements made by him and shall keep separate accounts and records of all purchases made for the building, repairing and maintenance of said roads as well as an account and record of all machinery and equipment which he purchases. Said Road Superintendent shall make a detailed report to the Quarterly County Court of said County setting forth the financial status, including receipts and disbursements, made by him out of the County Road Fund. This report is to be made quarterly at the regular meeting of the Quarterly County Court.

SECTION 6. That all funds received by the County Trustees, including gas tax and all State Road Funds now or hereafter levied for the use and benefit of the roads and highways of said County shall be kept in a separate funds to be known as the general road fund and the same shall be expended upon such roads, highways and bridges as the Road Superintendent shall designate.

SECTION 7. That all dump trucks shall be placed in a motor pool to be located at the County garage and each truck shall remain at such location when not in use.

SECTION 8. That all funds collected from taxes, or received from gasoline taxes or other sources shall remain within or be deposited with the County Trustee of the County or counties to which this Act applies, and that the same shall be paid out by him upon warrants signed by the County Road Superintendent and countersigned by the County Judge of the County, and that said funds be used solely and alone for the purpose for which the same are provided or levied under the law and the provisions of this Act, and shall be issued only for the payment of work, material, labor, supplies, and other things coming under the provisions of this Act.

SECTION 9. That all applications to open, change or close any of the public roads of the County shall be

made by written petition, signed by the applicant and addressed to the Road Superintendent, specifying in particular the change or action asked, but no road shall be opened, changed or closed without giving at least five days notice to all parties interested, of the time said road or roads are to be opened, changed or closed. Landowners and those controlling lands touched by the proposed highway shall be deemed interested parties. If any owner of land so concerned is a non-resident, then notice to his agent or his attorney, if such agent or attorney resides in the County, shall be sufficient. If there be no such agent or attorney, then notice shall be given by publication for four (4) consecutive weeks in a newspaper having general circulation in the County, the last publication to be at least one week before the hearing.

The Road Superintendent shall attend at the appointed time and place if proper notice has been given as herein required. He shall act upon the applications, and shall summon three (3) disinterested freeholders who shall be in nowise related to any of the parties affected, who shall take and subscribe to an oath before said Road Superintendent to act without partiality or favor in the matter, whose oaths shall become a part of the record, and said freeholders shall constitute a jury of view, and shall proceed to condemn said property, or such portion thereof as may be needed or required for highway purposes, and shall assess the value of the land taken, and any incidental damages if any, and which shall be paid out of the funds provided for highway purposes, upon warrant issued and approved by the Road Superintendent. Any person or persons considering themselves aggrieved by the action of the jury of view may appeal to the next Quarterly County Court, and from that to the Circuit and Supreme Courts. Said Road Superintendent shall also have and be here vested with the right of eminent domain for and on behalf of the counties for which he operates, for the purpose of acquiring the needed rights-of-way, borrow pits, gravel pits, rock quarries or crushed stone needed for the construction, maintenance, building and changing of old roads, or the opening of new roads, any action brought for said purposes to be brought in the name of the State of Tennessee for the use of the county involved, and upon the resolution of order of said Road Superintendent acting in the counties and the counties to which this Act is applicable, or which may become within the provisions hereof, and in such condemnation cases the law of eminent domain of the State shall be applicable in such proceedings, and proceeding shall be had thereunder.

SECTION 10. That the County Road Superintendent, before entering upon the discharge of his duties, 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 said county or individual, and shall execute to the State of Tennessee a good and solvent bond in the amount of Five Thousand (\$5,000.00) Dollars, payable to the State of Tennessee for the benefit of that particular county in which he is elected, and that he will faithfully and impartially execute and perform all the duties imposed upon him without fear, favor or partiality and 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.

SECTION 11. Be it further enacted, that the Road Superintendent shall have authority to purchase such equipment as he deems necessary to be used in the building and maintenance of the roads and highways of Lincoln County and such equipment shall be paid for out of any road funds available to such county. Provided that any single purchase of an item of equipment of any character as well as gas and other supplies shall be made by the road superintendent and the county executive jointly upon competitive bids when such single item or single purchase is contemplated to exceed one thousand five hundred dollars (\$1,500.00). When the road superintendent purchases more than one item of the same kind that individually does not exceed one thousand five hundred (\$1,500.00) but the total purchase of which items would exceed one thousand five hundred dollars (\$1,500.00) in any twelve (12) months, such superintendent shall take competitive bids for such items annually and for which competitive bids are taken, such purchases shall be made in such quantities, if more than one is needed, as will give the county the benefit of the best possible prices. Except as otherwise provided by this section, the road superintendent shall have the right to make all necessary purchases of supplies, materials, and equipment when the costs of any such single purchase does not exceed one thousand five hundred dollars (\$1,500.00) without competitive bids and without the approval of the county legislative body. All purchases shall be paid for out of the road fund by warrant issued by the superintendent and countersigned by the county executive.

As amended by: Private Acts of 1979, Chapter 45

SECTION 12. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 31, 1951.

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