



March 10, 2025

Road Law

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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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Private Acts of 1991 Chapter 24

SECTION 1. There is hereby created a five (5) member highway commission for Haywood County. One (1) member shall be elected from each of the five (5) highway districts. As the staggered terms of the current highway commissioners expire, three (3) highway commissioners shall be elected in the August, 1992 General Election and two (2) highway commissioners shall be elected in the August, 1994 General Election and shall serve for terms of four (4) years and until their successors have been elected and qualified. The county legislative body shall determine the boundaries of the highway districts in accordance with procedures set forth in Tennessee Code Annotated, Section 5-1-111, for setting county legislative body commission districts so that commissioners represent substantially equal populations.

At the first regular meeting of the board of highway commissioners in September of each year, the commissioners shall, by majority vote, elect one (1) commissioner to serve as chairman of the board of highway commissioners.

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

As amended by: Private Acts of 1992, Chapter 187

SECTION 2. In the event a vacancy shall occur on the board of highway commissioners, the county legislative body shall elect a resident of the highway district in which the vacancy occurs to serve the unexpired term or until his or her successor shall be elected and qualified.

SECTION 3. Each member of the board of highway commissioners shall qualify by subscribing to an oath before the county clerk to faithfully and impartially perform the duties of his or her office without partiality for or prejudice against any section of Haywood County, and he or she shall execute a good and solvent bond in the amount of five thousand dollars (\$5,000), which bond shall be approved by the county executive and filed in the office of the county clerk, and which bond shall be conditioned for the faithful performance of his or her duties and the faithful accounting for all monies that may come into his or her hands or under his or her control by virtue of his or her office as a highway commissioner. The cost of such bond shall be paid from the county road fund.

SECTION 4. A majority of the board of highway commissioners shall constitute a quorum at all regular special meetings and shall have authority to conduct all business properly before the board of highway commissioners. The affirmative vote of three (3) members of the board of highway commissioners shall be necessary in order to constitute any action by the board of highway commissioners.

The board of highway commissioners shall hold regular bi-monthly meetings on the second and fourth Mondays of each month at the county highway department. The board of highway commissioners shall hold special meetings upon the call of the chairman or a majority of the members of the board of highway commissioners. In addition to notice requirements by Tennessee Code Annotated, Sections 8-44-101 et seq., as amended, at least three days notice by mail shall be given to the members of any special meeting; provided this provision in regard to notice shall not apply when all members of the board of highway commissioners are present at the special meeting.

The chairman shall preside at all meetings if present and in his or her absence the members present shall elect a temporary chairman. A secretary named by the chief administrative officer shall attend the meetings of the board of highway commissioners and shall keep a permanent record of all business transacted by the board of highway commissioners, which record shall be verified by the signature of the chairman or the presiding officer and shall be kept at the county highway department and shall be open for inspection by the public during regular business hours.

SECTION 5. The total annual compensation or remuneration including any fringes or travel expenses of each member of the board of highway commissioners shall be determined by the county legislative body. The compensation shall be payable from the county road fund and in such installments as the board of highway commissioners may determine.

SECTION 6. The board of highway commissioners shall, with the approval of the county legislative body, appoint a chief administrative officer for a term of four (4) years who shall possess the qualifications required by and have the powers and duties specified in the County Uniform Highway Law (Tennessee Code Annotated, Title 54, Chapter 7, as amended). The chief administrative officer shall be paid the salary established in Tennessee Code Annotated, Section 54-7-106, as amended, and shall execute the bond and oath required by Tennessee Code Annotated, Section 54-7-108, as amended.

SECTION 7.

(a) The chief administrative officer shall have general supervision of the expenditure of all road funds, whether such funds are collected from a direct tax levy by the county legislative body, received from the state or federal government, or from whatever source received. All warrants shall be approved by the chief administrative officer and the chairman of the board of highway commissioners.

(b) The board of highway commissioners shall make recommendations to the chief administrative officer regarding the location, relocation, construction, reconstruction, repair and maintenance of the county system, including bridges. The board of highway commissioners shall also make recommendations to the chief administrative officer with respect to the classification of county roads and with respect to which roads should be included in the county highway system and placed on the county road list established pursuant to Tennessee Code Annotated, Section 54-10-103, as amended.

(c) The chief administrative officer shall have the authority to let contracts for construction and repair of all roads, bridges, culverts, and other contracts or purchases pertaining to county roads, highways and bridges and for purchasing supplies, materials and equipment for use or in connection with the same under the amount of two thousand dollars (\$2,000). The board of highway commissioners shall approve the letting of all contracts for construction and repair of all roads, bridges, culverts and other contracts or purchases pertaining to the county roads, highways, and bridges and for purchasing supplies, materials and equipment for use on or in connection with the same in excess of two thousand dollars (\$2,000). All such contracts and purchases shall be made in full compliance with the provisions of the County Uniform Highway Law codified at Tennessee Code Annotated, Section 54-7-113, as amended. The chief administrative officer may make emergency purchases as necessary in accordance with the emergency purchasing provisions of the County Uniform Highway Law, Tennessee Code Annotated, Section 54-7-113(c)(1)(C), as amended.

(d) Equipment, material and supplies declared by the board of highway commissioners to be surplus may be disposed of by the chief administrative officer upon authorization, in writing, by the board of highway commissioners.

SECTION 8. The chairman of the board of county highway commissioners shall be the administrative official of the highway commission and his or her duties shall include, but not be limited to, the following:

(a) Maintain an office at the county highway department for the board of highway commissioners where all books and records of the board of highway commissioners and the highway department shall be kept, all of which shall be available to the public for inspection at any reasonable time.

(b) Provide direction and assistance to the chief administrative officer in the execution of the procedures established by the chief administrative officer in regard to notice to bidders, receiving and preservation of sealed bids; and the execution of contracts authorized by the board of highway commissioners.

(c) Be responsible for reviewing the annual budget recommendation of the chief administrative officer and consulting with the chief administrative officer in preparing budget amendments.

SECTION 9. Neither the chairman, any member of the board of highway commissioners, nor any employee of the county highway department shall hold or receive compensation for more than one position with the county highway department.

SECTION 10. If any provisions of this act or its application shall be held invalid, such invalidity shall not affect other provisions or applications, which can be given effect without the invalid provisions, and to this end, the provisions of the act are declared to be severable.

SECTION 11. Chapter 129 of the Private Acts of 1963, as amended by Chapter 106 of the Private Acts of 1971, Chapter 308 of the Private Acts of 1972, Chapter 245 of the Private Acts of 1976, Chapter 328 of the Private Acts of 1980, Chapter 273 of the Private Acts of 1982, Chapter 247 of the Private Acts of 1984 and any other acts amendatory thereto and all other private acts or parts of acts regarding the highway laws of Haywood County which are in conflict with this act are hereby expressly repealed.

SECTION 12. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Haywood County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body of Haywood County and certified by him to the Secretary of State.

SECTION 13. For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 12.

Passed: February 28, 1991.

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