



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

Road Law

Private Acts of 1980 Chapter 262

SECTION 1. There is hereby created in Lake County a County Board of Highway Commissioners, to be composed of six (6) members beginning on September 1, 2004, who shall have general supervision and control over all roads and bridges in the county, and over all highway and bridge funds.

SECTION 2. There shall be three (3) highway commission districts of substantially equal population, which shall be coextensive with the three (3) county commissioner districts established by resolution of the county legislative body of Lake County from time to time. Two (2) board members shall be elected from each highway commission district.

Board members in office on the effective date of this act shall continue to serve the remainder of the terms to which they were elected. Beginning with the regular August 2012 general election, two (2) board members shall be elected to four-year terms from each of the three (3) districts. The two (2) candidates in each district receiving the highest number of votes shall be elected. Terms shall begin on the first day of September following their election and continue until a successor is elected and qualified.

Any person shall be eligible to hold the office of county highway commissioner who is a resident of the highway commission district from which he or she is elected and is qualified to vote. If any highway commissioner shall cease to be a resident of the highway commission district from which he or she is elected, the office shall be deemed vacant.

As amended by:

Private Acts of 1984, Chapter 197

Private Acts of 1984, Chapter 201

Private Acts of 1985, Chapter 9

Private Acts of 1987, Chapter 50

Private Acts of 2002, Chapter 105

Private Acts of 2012, Chapter 76

SECTION 3. In case any vacancy shall exist at the date of the passage of this Act or at any future date in said office of Highway Commissioner, by death, removal, resignation or otherwise, the county legislative body of Lake County shall by majority vote appoint a duly qualified successor to this office to fill out the remainder of said term of office. The qualifications of said successor shall be those as outlined in Section 2 of this Act.

This Act shall in no way affect the present incumbents holding said office, nor shall it affect the duties, qualifications and compensation of the said Highway Commissioners, in Lake County, but the same shall remain as now fixed and provided by law, or as may hereafter be fixed; provided, however, that no member of the county legislative body of Lake County shall be eligible to be or become a member of said Board of Highway Commissioners.

SECTION 4. Each Commissioner shall qualify within ten (10) days after his election, by subscribing to an oath to perform, faithfully and impartially, the duties of his office, and shall give a good and solvent bond in the sum of one thousand dollars (\$1000) for the faithful performance of the duties of his office and for accounting for all funds coming into his care, or the care of the Commission, and the cost of such bond, if any, shall be paid out of the highway fund; provided, that the county legislative body may require additional bond to be given, in case bonds are issued for the construction of roads or bridges, and in other cases if deemed necessary.

SECTION 5. At the first meeting to be held after each Regular Election, the County Board of Highway Commissioner (sic) shall organize by electing one (1) of their members as Chairman, Vice-Chairman and Secretary who shall hold their offices until the expiration of their terms of office for which they are elected, or by their death, removal, resignation, or otherwise. It shall be the duty of the Chairman to preside at all meetings of the Board, to see that the minutes of the proceedings are properly kept, and to sign same; to inspect all accounts and vouchers to determine their correctness, and to sign, in ink, all warrants on the County Trustee for payment of funds; to act as executive officer of the Board and to attend to and dispose of all matters needing attention while said Board is not in session, in conformity with the general orders and policies of said Board. In the absence of the Chairman or in case of his inability to act, his duties shall be performed by the Vice-Chairman. The Secretary shall perform all the duties usual to such a position, or such duties as the Board may impose on him. The Secretary of the County Board of Highway Commissioners shall countersign all warrants on the County Trustee for payment of funds.

SECTION 6. Each member of the County Board of Highway Commissioners shall receive as compensation for his services the sum of two thousand one hundred dollars (\$2,100) per annum to be paid in equal monthly installments out of the highway and bridge funds of the county. Additionally, each member shall be entitled to participate in any hospitalization and/or retirement plans of the county. However, any other insurance programs not routinely offered to county personnel upon employment, including but not limited to life insurance, shall be entered into at the option of the Highway Commissioner, the cost thereof being borne by the Highway Commissioner and not from the funds of the county.

SECTION 7. The Board of Highway Commissioner (sic) shall maintain an office in Lake County. The County Highway Commission shall meet at least once a month at a regular time to be fixed by the Commission and shall hold such special meetings as may be necessary for the efficient dispatch of their business. Special meetings may be called upon twenty-four (24) hours' notice to all the members of said County Highway Commission either upon motion of the chairman or upon application made to him by two (2) members of said Commission. Three (3) members of said Commission shall constitute a quorum; provided, however, that no contract requiring the expenditure of more than ten thousand dollars (\$10,000) shall be made without the affirmative votes of at least three (3) members of said Commissioner.

The Commission shall have the power to make such rules and regulations in connection with their deliberations and in the operation of that department of the county government as may be necessary for the efficient dispatch of their business; provided, however, that no such rule shall conflict with the provisions of this Act.

SECTION 8. The Board of Highway Commissioners are hereby clothed and charged with the following powers and duties, to-wit:

(a) To hold a regular meeting on the first Tuesday of each month at the county site, and more often if necessary, the Chairman, or two (2) members having authority to call a special meeting. Three (3) members shall constitute a quorum for the transaction of business.

As amended by: Private Acts of 1983, Chapter 145

(b) To have general charge of all highways and bridges in said county and of all expenditures of the road and bridge funds of said county, and to make all necessary and proper orders for the construction, reconstruction, grading, ditching, repairing, and maintenance of said roads and for building and repairing bridges.

(c) To lay out and classify all the public roads of the county; to divide same into such sections or divisions as may be necessary for their proper and efficient construction and maintenance; to make or cause to be made, a map of said roads and to keep records of all roads and bridges of the county.

(d) To cooperate with the State Highway Department and the U. S. Government, in conformity with existing or future legislation and in all matters tending to secure a uniform, coordinated, and efficient system of highways and accounting.

(e) If the Board shall find it more economical or advantageous to construct or repair roads or bridges by contract it may advertise for bids and let out contracts covering one (1) or more sections or parts of such work.

(f) To purchase all necessary implements, machinery and tools and to provide sheds at central points for the storing and safe keeping of same.

(g) To make detailed written reports to the county legislative body on the third Monday in January of each year, and at any other time said body may require, showing all funds received and expended on behalf of said road and bridge fund.

(h) To open, change, close, restore or widen the public roads of the county and to procure rights of way for such roads by purchase, gift, or by the exercise of the right of eminent domain.

In case such rights of way are procured by purchase or gift, a deed shall be taken to same in the name of the county, and duly recorded in the county where the land lies. In case such right of way cannot be secured by negotiation and agreement, the same may be condemned and used, and the procedure in such cases shall be as set out by law.

SECTION 9. That it shall be the duty of the county board of highway commissioners to employ a road superintendent for a term of four (4) years from the first Monday in January of the calendar year in which the road superintendent shall be selected. The county board of highway commissioners shall fix the road superintendent's compensation, which shall not be less than that of the county clerk in such county.

Such superintendent shall either be a licensed civil or highway engineer or shall have had at least five (5) years of practical and supervisory experience in road building and/or maintenance. He shall be a citizen of

the United States, not less than twenty-five (25) years of age and shall be in all other respects qualified for the duties of superintendent. He shall be in direct charge of all operations in the construction, reconstruction, maintenance, and repair of all highways, bridges and ferries in such county. He shall exercise custodial supervision of all machinery, equipment, road material and supplies and shall be charged with its proper allotment to the various operating units and roads. Likewise, he shall be required to keep or have kept under his supervision an accurate and detailed account of all road materials and supplies delivered to construction or maintenance units to the end that each road, bridge or ferry shall be charged with the material and supplies used thereon.

He shall likewise be under the duty of keeping an accurate and detailed account and record of the use of all road machinery and equipment to the end that each road or unit shall be charged with the proper machinery and equipment rented; and he shall be authorized to employ and discharge for cause all necessary and general foremen, unit supervisors, job foremen, and road hands for the operation of the ferries, bridges and highways of the roads of such county, including construction, reconstruction, repairs and maintenance thereof.

As amended by: Private Acts of 1991, Chapter 81
Private Acts of 2003, Chapter 18

SECTION 10. The Board of Highway Commissioners shall possess power of eminent domain for the purpose of acquiring all necessary rights of way for the location of highways, bridges and ferries, the acquisition of rock quarries and gravel beds and all other material necessary for the repair and maintenance of all roads, bridges and ferries of said county. In case of the Highway Commission shall see fit to exercise the power of eminent domain the same shall be exercised in conformity with the provisions of Tennessee Code Annotated, Title 23, Chapter 14, which chapter is made a part of this Act as completely as though embraced herein.

SECTION 11. So much of those parts of the following Private Acts as they may directly apply to the road laws of Lake County are hereby repealed, such Private Acts being Chapter 288 of the Private Acts of 1917, as amended by Chapter 847 of the Private Acts of 1929, Chapter 38 of the Private Acts of 1935, Chapter 381 of the Private Acts of 1974 and all other Acts amendatory thereto.

SECTION 12. 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 effect without the invalid provision or application, and to that end, the provisions of this Act are declared to be severable.

SECTION 13. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Lake County before June 1, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 14. 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 13.

Passed: March 26, 1980.

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Lake 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 applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court of each county would select one Road Commissioner to serve two years from each Road District in the county, the Road Districts being co-extensive with the civil districts. The Road Commissioner would be sworn, bonded, and in charge of all the roads, bridges, road hands, tools, equipment, and materials used in or assigned to his area. He would be paid at the rate of \$1.00 per day but for no more than 10 days each year. The County Court would fix the number of days the road hands would work at no less than five, nor more than eight, and set the price of one day's labor. The County Court had the authority to levy a general road tax of two cents per \$100 for each day of work required by the road hands. The Road Commissioners would name the road overseers in their area and assign them to particular sections of road for which they would be responsible. Overseers would work the same number of days on the road as everyone else but would be paid for all over that number up to \$6.00 per year. All males, outside of cities, between the ages of 21 and 45 were subject to compulsory road work. The Commissioners were to dispose of petitions to

open, close, or change roads, would classify and index the roads in their districts, and would see to it that roads met the specifications stipulated in the Act. This Act was involved in the case of Carroll v. Griffith 117 Tenn. 500, 97 S.W. 66 (1906).

2. Acts of 1905, Chapter 478, amended the 1901 Act in several particulars primarily in the mechanics of road operation and repair.
3. Private Acts of 1909, Chapter 50, was a Road Law for Lake County which allowed the County Court to elect a Road Commissioner to serve until January 1, 1911, when one would be elected for two years. The Commissioner was required to make a \$2,500 bond and would be in charge of all repairs and maintenance to roads and bridges and of all hands who were to work upon them. He would also classify the roads into four classes determined by widths of 15, 20, 30, and 40 feet from the center of the ditch on one side to the center of the ditch on the other side. He was in charge of opening, closing, and changing roads upon petition being filed with him and he was given power to let contracts and to supervise the grading. All males, 18 to 50 years of age were required to work six days. A special road tax of not less than 15 cents per \$100 was levied and no roads were to be graded between October 1 and April 15.
4. Private Acts of 1911, Chapter 85, succeeded the above Road Law although it did not specifically repeal it. This act was substantially the same as its predecessor with a few minor variations in administrative details and procedures. The Road Commissioner was the person primarily responsible for the execution of the program. This Act increased the commissioner's responsibilities but not his salary.
5. Private Acts of 1917, Chapter 288, was the former Road Law for Lake County. It was amended by Private Acts of 1929, Chapter 847, Private Acts of 1935, Chapter 38, and Private Acts of 1974, Chapter 381. The Act and its amendments were repealed by Private Acts of 1980, Chapter 262.
6. Private Acts of 1983, Chapter 85, so as to allow the County Legislative Body to set the compensation of the Board of Highway Commissioners between \$2,100 and \$3,000 per annum before each year's August election. The act was disapproved on July 18, 1983.
7. Private Acts of 1984, Chapter 200 repealed the Private Acts of 1980, Chapter 262, as amended, which is the Lake County Highway Law. This act was disapproved and never became effective.
8. Private Acts of 1986, Chapter 194, modified the term of office of the Highway Commissioners. This act was never acted upon by the county legislative body.
9. Private Acts of 1987, Chapter 50, repealed Private Acts of 1985, Chapter 9, and Private Acts of 1984, Chapter 197.

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