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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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Road Law

Private Acts of 1951 Chapter 111

SECTION 1. That in counties of this State having a population of not less than 15,000 nor more than 15,100, by the Federal Census of 1940, or any subsequent Federal Census, there is hereby created the office of County Highway Commissioner. Such County Highway Commissioner shall be paid a salary of eight hundred dollars (\$800) a month, payable in equal monthly installments out of the County Highway funds. He shall be a man of practical experience in the upkeep and maintenance of roads. His term of office shall be for two years from September 1 next following his election and until his successor shall be elected and qualified. The County Highway Commissioner is hereby authorized to employ a Supervisor of Roads at a salary not to exceed five hundred dollars (\$500.00) a month, and a bookkeeper at a salary not to exceed four hundred dollars (\$400.00) a month, such compensation in each case to be paid in monthly installments from County Highway Funds. To fill the vacancy occasioned by the creation of this office, Jordan Hanna is named as such Commissioner until September 1, 1952.

At the August Election 1952 such Commissioner shall be elected by the qualified voters of counties to which this Act applies and biennially thereafter. He shall qualify by taking oath to faithfully execute the duties of his office and shall execute bond in such sum as may be required by the Quarterly County Court for the faithful performance of his duties and for the safe-keeping of materials which may come into his care and custody.

As amended by:

Private Acts of 1967-68, Chapter 151

Private Acts of 1969, Chapter 16

Private Acts of 1974, Chapter 182

SECTION 2. That the County Highway Commissioner as herein created shall have general supervision over the construction, repair and maintenance of all roads, bridges, ferries, gravel pits and other like structures which form a part of the County Highway System. The County Highway Commissioner shall submit to each January Term of the Quarterly County Court a road budget covering all the roads in the County Highway System. This budget shall contain the name of each road, a number thereto which may be assigned by the Commissioner, a general description of the termini of such road, the number of miles embraced therein and the amount of money allocated by the Commissioner to such road for the ensuing calendar year.

The Commissioner is hereby prohibited from transferring funds allocated to one road to any other road and is likewise prohibited from spending any road funds allocated to another road. Any funds allocated to any road during any calendar year and not expended such calendar year shall not revert but may be expended upon said road, in addition to the succeeding year's appropriation during such succeeding calendar year. Such road budget shall be published by the Commissioner in some newspaper of general circulation in counties to which this Act applies, the expense thereof defrayed from highway funds. He shall have the care and custody of all road equipment belonging to said County, shall have charge of the storage and repair of the same and shall employ such labor as may be needed at a rate of pay to be fixed by him. All applications to open, close or change roads in the County Highway System shall be made to said County Highway Commissioner, who shall act upon the same. Condemnation proceedings may be instituted by said County Highway Commissioner for the purpose of opening new roads or changing existing roads, in which case the procedure shall be as that now provided by general law.

At each January term of the Quarterly County Court, the Commissioner shall make a report showing the expenditures for the entire year, which report shall detail the expenditure upon each road by quarters and such report shall likewise show the balance due to each road on the County Highway System. Such report shall likewise be published at once in some newspaper of general circulation in the County to which this Act applies, the expense thereof to be paid out of County Highway Funds. All disbursements from highway funds shall be made upon warrant of the County Highway Commissioner.

It shall be unlawful for any commissioner to expend more during any calendar year than he received during the previous calendar year and for any such over expenditure, he shall be liable upon his official bond and it shall be no defense to an action thereon that the County received the benefit of such other expenditure.

The commissioner shall, before assuming office, execute bond in the sum of \$25,000, payable to the County and conditioned for the faithful performance of duty upon his part and also conditioned to reimburse the County for any and all expenditures in excess of those permitted by law.

At least five days prior to each regular session of the Quarterly County Court, the commissioner shall report to that body in detailed itemized form his receipts and disbursements for the quarter ending 20

days prior to the time upon which such Quarterly County Court is scheduled to meet, which report shall also show a balance due to each road of the county highway system. Such report shall be filed with the county court clerk and open for inspection by any taxpayer of the county.

As amended by: Private Acts of 1957, Chapter 57
Private Acts of 1989, Chapter 80
Private Acts of 2016, Chapter 64

SECTION 3. That Chapter 60, Private Acts of 1949, the title to which is as follows: "An ACT to regulate and provide for the working of the public roads, including public ferries, in counties of this State with a population of not less than 15,000, nor more than 15,100, by the Federal Census of 1940, or any subsequent Federal Census, and to provide a Commissioner of Highways for such counties and to define and set forth his powers, obligations, duties, and right," be and the same is hereby repealed.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 31, 1951.

Source URL: <https://www.ctas.tennessee.edu/private-acts/road-law-65>