



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IX - Highways and Roads

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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Chapter IX - Highways and Roads

Railroad Crossings

Private Acts of 1967-68 Chapter 199

SECTION 1. The commissioner of highways is authorized to designate which grade crossings of any railroad or interurban railway in any county of this state having a population of not less than 60,000 nor more than 60,100 according to the U.S. Census of Population of 1960, or any subsequent U.S. Census of Population, shall be protected by crossing signals and to determine whether or not the crossing meets eligibility requirements for participation in federal funds for railroad crossing protection. If any such crossing is found to be eligible for federal participation in crossing protection, the commissioner shall request federal funds for the erection of appropriate signaling devices at the crossing and if such funds are secured the costs of such installation shall be borne according to the rules and regulations of the U.S. Bureau of Public Roads. If federal participation in the crossing protection cannot be obtained, the state shall pay one-third (1/3) of the costs, the county (or city, if the crossing is inside the corporate boundaries of a municipality) shall be required to pay one-third (1/3), and the railroad company or companies shall be required to pay one-third (1/3).

As amended by: Private Acts of 1969, Chapter 116

SECTION 2. This Act shall have no effect unless it is approved by a three-fourths (3/4) vote of the quarterly county court of Anderson County at or before the next regular meeting of the court occurring more than thirty (30) days after its approval by the governor. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the secretary of state.

SECTION 3. This Act shall take effect for the purpose of ratifying it as provided in Section 2, upon its passage, the public welfare requiring it.

Passed: May 23, 1967

Superintendent of Roads

Private Acts of 1993 Chapter 42

SECTION 1. Chapter 232 of the Private Acts of 1963, as amended by Chapters 73 and 132 of the Private Acts of 1973, is hereby repealed.

SECTION 2. The Superintendent of roads for Anderson County shall be the chief administrative officer of the county highway department. The qualifications, duties and responsibilities of such superintendent shall be such as are provided by Tennessee Code Annotated, Section 54-7-103.

SECTION 3. The incumbent chief administrative officer of the county highway department for Anderson County, Tennessee, shall serve as the Superintendent of roads for Anderson County, Tennessee, until the 1994 General Election. Thereafter, the Superintendent of roads shall be elected every four (4) years by the qualified voters of the county at the August General Election and shall serve a term of four (4) years. The superintendent duly elected shall take office upon September 1, following such election.

SECTION 4. Nothing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public officer was elected.

SECTION 5. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of county commissioners for Anderson County, Tennessee. Its approval or nonapproval shall be proclaimed by the presiding officer of the Anderson County Commission and certified to the Secretary of State.

SECTION 7. 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 6.

Passed: March 24, 1993.

Highways and Roads - Historical Notes

Superintendent of Roads

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

1. Acts of 1847-48, Chapter 106, incorporated Janes Archer, William Perkins, Ladan Sharp, and William Walker, Jr., all of Campbell county, and James W. Turner, Lewis Miller, and Jacob Loy, all of Anderson county, and their associates, granting them the authority to open establish, and keep in repair a turnpike road of the first class beginning on the Kentucky line in Campbell County near the Lot and running through Big Creek Gap in Campbell County along the best practical route to Lox's Road, in Anderson county. The act also appointed David Sharp and Alfred Ager, of Campbell County, and Alfred Sharp and Pleasant Rogers, of Anderson County, as commissioners to inspect the road. Many specifications and restrictions on construction were contained verbatim in the act.
2. Acts of 1851-52, Chapter 267, appointed James Ross, John Jarnigan, John Whitson, and Milton Tate, all of Anderson county, five citizens from Campbell County, and three more from Knox County to open books and sell stock up to \$200,000 for the construction of a turnpike from Knoxville to the Kentucky line running through Clinton and Jacksborough. The duration of corporate life was 99 years after a certain percentage of the total stock was subscribed.
3. Private Acts of 1868-69, Chapter 47, Section 7, incorporated William A. Kobbee, of New York, George W. Keith, of Morgan County, and David K. Young, of Anderson County, as the Clinton and Montgomery Turnpike Company with a corporate duration of 99 years, and with all corporate powers necessary and incidental to construct, run, and maintain a turnpike from Clinton in Anderson County by way of the Oliver Farm and Winter's Gap to the town of Montgomery in Morgan County.
4. Public Acts of 1901, Chapter 136, was a general road law applicable to every county in the State under 70,000 in population according to the 1900 Federal Census. The county court must select one road commissioner who would serve two years from each of the road districts in the county which were declared to be co-extensive with the civil districts of the county. The road commissioner must be sworn to office, bonded, and would be in charge of all roads, bridges, road hands, tools, and materials used in the roads in the district. He would be compensated at the rate of \$1.00 per day for each day's service up to ten days each year. The county court must set the number of days between five and eight which the road hands were compelled to work each year, and fix the price of one day's labor. The county court could levy a special road tax of two cents per \$100 of property valuation for each day the county court required the road hands to labor. The road commissioners would name and supervise the road overseers in their districts who would be in immediate charge of a particular section of road, who would work the same number of compulsory days as any one else but would be paid up to \$6.00 per year for days worked over that number. All males, outside of cities, between the ages of 21 and 45 were subject to compulsory road work. The road commissioners had the authority to open, close, or change roads upon petitions from the citizens to do so and on their own initiative. They must also classify and index the roads in their areas and see that they met the required specifications established by this law.
5. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, with several minor particulars but primarily in the procedures to be followed in acquiring rights of way especially when the exercise of eminent domain was to be used in the process.
6. Acts of 1909, Chapter 133, authorized Anderson County (identified through the 1900 Census) to condemn such land as might be necessary for the construction of roads across the river bottoms and up and down the river banks, and to acquire all the lands which might be necessary around the river banks for the construction and maintenance of free ferries and for licensed ferries, paying actual and incidental damages for all parcels. The power to appropriate the money necessary for this purpose when available and needed was also granted to the county court.
7. Acts of 1909, Chapter 354, was the enabling legislation for the county courts of Anderson and Knox counties to provide for the erection and maintenance of a free ferry over the Clinch River between the two counties, at or near Salway, Tennessee, located on the Cobb farm. Each county was further obligated and directed to pay one-half each for the expenses of the operation of the ferry.
8. Acts of 1909, Chapter 483, allowed the Governor, upon the recommendation of the board of prison commissioners, to grant a right of way over and through the state lands in Morgan and Anderson counties to any railroad which would agree to construct a tunnel through the mountain commencing at or near Petros in Morgan County and running to a point at or near the head of New River in Anderson County, so that the coal lands of this region could be more fully developed

and to connect the tunnel by rail to Harriman and the Northeastern Railroad so that the coal could be shipped out. Any grant of the rights of way under the terms of this act would be forfeited unless work had begun within two years thereafter.

9. Private Acts of 1911, Chapter 5, amended Acts of 1909, Chapter 287, a bond issue for roads, so as to authorize and direct the county court of Anderson County, at any quarterly session of the court to use the unexpended balance of the funds appropriated by the amended act for the construction of Road #8 in the program from Carden's Store to the ford at Byram's Fork, and on Road #9 which came up Hickory Valley to Byram's Fork.
10. Private Acts of 1911, Chapter 465, seemed to be the first comprehensive road law for Anderson County. The act created a county road commission composed of A. Taylor, D.A. Wood, and J. A. McKamey, who would hold office until January 1, 1912, at which time the quarterly court would appoint three more commissioners, one each from an area composed of several specified civil districts. Terms of office were two years and the commission would select a chairman and a secretary from their own number. The commissioners were responsible for the roads and bridges in the county, holding regular meetings on the Saturday before the first Monday in each month of which the secretary would keep a record. The commissioners would choose supervisors for various road sections who would be sworn and bonded before assuming their office. The commission must, with the proper supervisor, inspect each road at least once annually, reporting on the status of the same, and they would also supervise the use of all machinery and materials in their areas. The quarterly court was directed to levy a general road tax between 10 cents and 25 cents per \$100 property valuation on all property outside of cities. All males, outside cities, between the ages of 21 and 50 would work five, or more, days, as the court determined, at its January meeting each year, on the county roads, or pay a commutation fee. All roads were to be classified, and indexed, into four main classes according to their width and surfacing. The commissioners would hear and dispose of all petitions to open, close, or change, roads being granted the power of eminent domain in that connection. Prisoners could be used to work on county roads under certain circumstances. The supervisors would be paid \$40.00 per year, and the commissioners were to receive \$2.00 per day for their services up to 50 days each year. This act was repealed by Private Acts of 1915, Chapter 62.
11. Private Acts of 1913, Chapter 206, amended Private Acts of 1911, Chapter 465, Section 3, so as to require the county road commission to hold meetings on the first Saturday before the last Monday in each month of which the secretary must keep full and sufficient records. Section 4 was changed so that the county road commission would, at its January meeting, select a practical road man, who could not be a member of the county court, to serve as supervisor of each road section for one year, who must be bonded, sworn to office, and subject to penalties for dereliction of the duties of the job. Supervisors must perform road duty as all other men were required to do but would be paid \$1.25 a day for the number of days worked on that amount. The supervisor must file a sworn statement of the days worked by; him in that capacity.
12. Private Acts of 1915, Chapter 62, repealed Private Acts of 1911, Chapter 465, as amended, and enacted a new road law for Anderson County. The act created a three member board of road commissioners, one of whom would be the superintendent of roads and another serve as secretary for the commission. The act named D. A. Wood, Gissis W. Roberts, and R. C. Vowell as the first board to serve until their successors were chosen by the quarterly court in its January, 1916, meeting for staggered terms, then for three year terms after that. No member of the county court was eligible to serve on the board which would be in charge of all roads, bridges, and road funds in the county. The commissioners had the authority to employ condemnation proceedings when they were necessary. The superintendent could be paid an annual salary up to \$800, the secretary up to \$300, and the board member up to \$100, all amounts to be set by the quarterly court. The commissioners would meet twice each month at the office of the superintendent and on such special occasions as the superintendent would call. The board was authorized to employ an engineer to assist them in the classification of roads, making maps, and setting up the road districts. The board would appoint foremen for sections of road who would be paid \$2.00 per day, and could hire laborers at \$1.25 per day. The quarterly court was obliged to levy a general road tax between 10 cents and 25 cents per \$100 property valuation. All able bodied males between ages of 21 and 50 must pay a tax between \$2.50 and \$4.00 as the court might set, or they could work that tax out at 50 cents per day, each day to consist of 10 working hours. The board was in charge of the workhouse and convicted prisoners must work on the road. Provisions were made to collect delinquent assessments and to enforce penalties assessed against those failing to comply with the terms of this act.
13. Private Acts of 1915, Chapter 652, permitted the county highway commissioners in Anderson,

McMinn, and Roane counties to condemn rights of way needed to construct any pike or graded highway in their counties, by following and closely observing all the methods specified and the conditions established in the act relative to notice, hearings, trials and appeals, and for making judgments final when no appeal was taken.

14. Private Acts of 1917, Chapter 446, created the post of pike road superintendent in Anderson County who would be elected by the quarterly court at its first meeting after the passage of this act, who would serve until the January meeting of the court in 1919, when a successor would be appointed for two years. Vacancies would be filled by the county judge until the next January meeting of the quarterly court when a successor would be appointed. The superintendent must be competent and experienced, devote his full time to the position, would be in full charge of the road department and all the equipment, and be paid an annual salary between \$800 and \$1,000 as set by the quarterly court. The office in the courthouse where the road department records were kept must remain open of the first and third Saturdays of each month. The superintendent had to be bonded and sworn and see that records of the work and expenditures were accurately kept. All petitions to open, close, or change roads were to be heard and decided by the superintendent, who could further assess damages and condemn property, provided all the requirements and conditions of doing so were met. The quarterly court must elect a supervisor for each civil district, who would be paid \$1.50 a day up to 30 days each year for time actually spent on the job. The supervisors would name overseers for each five mile section of road who would be paid \$1.25 per day up to 6 days each year. The court must levy a general road tax between 8 and 15 cents per \$100 property valuation, two-thirds of which must be spent in the civil district from which it was collected, and there was to be another tax between 10 cents and 25 cents per \$100 property valuation which would be used for pike roads. All males between ages of 21 and 50, outside cities, must work from 4 to 6 days, as set by the court, on the public county roads. The superintendent was put in charge of the county workhouse whose convicted prisoners must work on the roads. Fines and penalties were provided for those violating the provisions of this act.
15. Private Acts of 1919, Chapter 198, amended Private Acts of 1917, Chapter 446, Section 3, by changing the pay of the district supervisor from \$1.50 per day, and that of the road overseers from \$1.25 a day to a daily pay rate which would be set by the county court. The penalties for violating the act and for road hands who were delinquent were increased from \$5.00 to \$10.00.
16. Private Acts of 1923, Chapter 647, amended the road law of Anderson County, in Section 1 by increasing the maximum annual salary of the road superintendent from \$1,000 to \$1,500.
17. Private Acts of 1929, Chapter 635, amended Private Acts of 1917, Chapter 446, above, by striking out "Pike Road Superintendent" wherever the same appeared in the act and inserting "Highway Commission" in its place. The act then established a three member highway commission to take the place of the Pike Road Superintendent and transferred all the duties, powers, and authority from the superintendent to the commission. The act named C. W. Cantrell, chairman, and C.C. Wade and B. E. Ward, as members, of the commission, who would serve four year terms. Afterward, the chairman would be selected by the county court, and be paid \$1,800 annually, while the two commissioners would be paid \$600 a year, all payable in equal monthly installments. The positions of district road supervisors were all abolished and their duties transferred to the commission.
18. Private Acts of 1931, Chapter 150, amended Private Acts of 1929, Chapter 635, above, by providing for the popular election of the three road commissioners by the people of the three road districts which were composed of the whole civil districts enumerated in the act. After election the commissioners would meet and select one of their number as the road superintendent at the same pay now established by law. As associate member would be paid the same amount fixed by law plus \$25 for expenses. One member must serve as secretary and keep minutes of all special and regular meetings which would be on the last Saturday in each month where the adoption of the budget for the preceding month would be an agenda item. The expenditures could in no case exceed the budget appropriations and all items to be purchased over \$50 had to be approved by the commission. The commission must, as a matter of principle, work in harmony with all interested agencies and departments and always in the best interest of the people.
19. Private Acts of 1933, Chapter 222, expressly and entirely repealed Private Acts of 1929, Chapter 635.
20. Private Acts of 1933, Chapter 446, enacted a new road law for Anderson County by creating a position of superintendent of roads who would be elected by the quarterly court at its first regular session after the passage of this act who would serve until the January term, 1935, or until his successor was elected. And vacancy could be filled by the county judge until the next session of the quarterly court. The superintendent had the power to promulgate such regulations as might

be necessary to work prisoners, pay guards, and administer workhouse programs. The superintendent must be competent and skilled in road building and maintenance, must devote full time to the duties of the position, was placed in full charge of all roads which he was required to visit and examine periodically for all of which he would be paid between \$1,200 and \$1,600 annually, as set by the court, and which amount could not be changed during the term. The office in the courthouse must be kept open on the first and third Saturdays of each month and books kept on road funds, equipment, tools, and materials, payments were to be made on the warrant of the superintendent countersigned by the county judge or chairman. The superintendent was directed to hear and dispose of requests to open, close, or change roads, observing such rules as the act provided, and could condemn property in the county's name. The quarterly court would appoint road supervisors in each civil district at \$2.00 per day for each day worked over the compulsory number. district supervisors could appoint overseers for road sections at \$1.25 a day. The quarterly court must levy a general road tax between 5 and 15 cents per \$100 for turnpikes and bridges. All males between ages of 21 and 45 were compelled to work from 4 to 6 days on county roads as decided by the court. It was a misdemeanor to block or obstruct roads and to fail to comply with the terms and conditions of this act.

21. Private Acts of 1943, Chapter 374, amended Private Acts of 1933, Chapter 446, by deleting Section 11 in its entirety which made it a misdemeanor for any member of the county court, or his family, to perform any service, deliver or sell any materials, or supplies, or contract for any labor or service on behalf of the county under the direction of the superintendent.
22. Private Acts of 1947, Chapter 156, amended Private Acts of 1933, Chapter 446, the Anderson County Road Law, in Section 1 by rewriting a paragraph to provide that the road superintendent be elected by the quarterly court at its April, 1947, meeting for a term of four years and at every four year interval, thereafter. A vacancy would be filled for the unexpired term in the same manner. Another paragraph was amended to increase the upper limit of the annual salary of the road superintendent from \$1,600 to \$2,400 to be paid out of road funds, and that he be furnished a truck to be kept up and maintained by the county. Another amendment gave the road superintendent control over all the machinery, equipment, tools, and property of the road department shop. The requirement for competitive bids to be taken on purchases exceeding \$500 was removed and Section 3 and 4 were repealed entirely, dealing with road overseers and others.
23. Private Acts of 1949, Chapter 731, had a general repealing clause which evidently disposed of the road law, as amended. This act created a five member county road commission whose members must be 21 years of age at least, and of good moral character. One member was to serve as road superintendent and the county judge would be another member by virtue of his office. The county judge would be chairman and the superintendent would be secretary. They were ex-officio members without a vote on the business of the commission. Three members would be elected by the quarterly court at its July, 1949, meeting who would serve initial staggered terms and then terms of three years each. No member of the court could serve. The commission would meet on the fourth Saturday in each month on a regular basis and on special occasions, as called, all meetings being held in the courthouse. Members would be paid \$5.00 each month for the two meetings. The superintendent would serve until September 1, 1950, and there each one would be elected by the voters for four year terms. The superintendent must be sworn and bonded, would keep an office open in the court hours, could have no other job, and would be paid an annual salary of \$2,400 until September 1, 1949, and then \$3,000 per year afterwards. The commission would have supervision of all roads and the disbursements of funds acting through the superintendent who would be in immediate charge. The court judge would serve as the purchasing agent of the department but all purchases over \$300 must be approved by the court. No county commissioner, or official had the authority to lend any material, equipment, or resource of the county to anyone. This act was repealed by Private Acts of 1951, Chapter 88.
24. Private Acts of 1949, Chapter 909, specifically repealed Private Acts of 1933, Chapter 446, the former road law of Anderson County, and all its amendments.
25. Private Acts of 1949, Chapter 910, expressly repealed Private Acts of 1947, Chapter 156.
26. Private Acts of 1951, Chapter 88, repealed Private acts of 1949, Chapter 731, in its entirety. This act provided for the superintendent of roads to be the executive head of the road department. He must work full time, could hold no other job, or office, must help an office open in the courthouse, at which records and accounts would be kept, must be sworn to office and bonded for \$5,000 and would be paid \$4,200 a year, plus expenses and transportation. The superintendent would be elected for four years at the August, 1950, election and every four years thereafter. He would exercise control over the department's planning and expenditures and funds, would hire and supervise all personnel and set their wages, would be in control and charge of all machinery,

tools, and equipment. The superintendent was authorized to sell any surplus crushed stone owned by the county. A vacancy would be filled by appointment of the county judge until the next general election could be held. The superintendent was empowered to issue warrants, which must be countersigned by the county judge, for all salaries and wages, and he and the judge would act as purchasing agent for the department. He could employ a stenographer at \$150 per month payable out of the general fund to assist in the keeping of full and accurate records. He could contract with the Federal Government and open, close, or change roads and streets under certain circumstances. No supplies, or equipment, could be loaned to anyone. All county vehicles were required to be serviced at the county road garage and anyone neglecting to comply with all the terms and provisions of this act could be penalized in different ways and degrees. This act, along with its amendments, was repealed by Private Acts of 1963, Chapter 232.

27. Private Acts of 1957, Chapter 354, amended Private Acts of 1951, Chapter 88, Section 1, by increasing the annual salary of road superintendent from \$4,200 to \$7,000, and was properly ratified by the quarterly court.
28. Private Acts of 1963, Chapter 232, provided a superintendent of roads for Anderson County, his rights, powers, duties, and compensation; to provide fiscal, purchasing, and budgetary procedures for the road department; to provide for stenographic and clerical help and the compensation thereof. The act also provided for and regulated the operation of the county road department. This act was repealed by Private Acts of 1993, Chapter 42.
29. Private Acts of 1973, Chapter 73, amended Private Acts of 1963, Chapter 232, by rewriting the second paragraph of Section 1 which removed the minimum salary limitation of \$7,000 per year and the maximum limitation of \$8,200 per year for the road superintendent, and fixed the salary at \$10,000 per annum with a provision that all over that amount would have to be approved by the quarterly court. The salary was payable in equal monthly installments on the first day of each month. This act was repealed by Private Acts of 1993, Chapter 42.
30. Private Acts of 1973, Chapter 132, amended Private Acts of 1963, Chapter 232, Section 10, by inserting the provisions relative to the filling of a vacancy in the office of the road superintendent as that section appears. Vacancies were formerly filled by the county judge with the approval of the county quarterly court. This act was repealed by Private Acts of 1993, Chapter 42, reproduced herein.

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