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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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Road Law

Private Acts of 1943 Chapter 250

SECTION 1. That in counties of this State having a population of not less than 11,900, nor more than 12,000, by the Federal Census, for the nor more than 12,000, by the Federal Census [sic] of 1940 or any subsequent Federal Census, for the therein [sic] such County shall constitute one entire district to be in charge of a road supervisor, who shall be the principal executive official thereof; at the August Election, 1944, and biennially thereafter, there shall be elected by the qualified voters of counties to which this Act applies some capable experienced man as supervisor of roads, who shall hold office for a period of four (4) years from September 1 next following his election and until his successor shall be elected and qualified. Before assuming office, such road supervisor shall take an oath to fairly and faithfully discharge the duties of his office and shall execute a bond in a sum not to exceed \$10,000.00, the amount thereof to be fixed by the County Judge and such bond to be approved by the County Judge. Such road supervisor shall be paid a salary of six thousand dollars (\$6000.00) per annum, and in addition to said salary, such road supervisor shall receive by separate warrant the sum of \$50.00 per month to cover all his personal expense incident to his official duties, payable in equal monthly installments out of the county highway fund in the hands of the County Trustee. In addition thereto, he shall be allowed to expend not exceeding \$1800.00 per annum for a secretary and bookkeeper, such sum to be paid in equal monthly installments to the person so designated by him as secretary-bookkeeper and also to be paid out of the county highway funds. Until September 1, 1944, the Governor of the State is hereby authorized to appoint some capable qualified person to act as such supervisor of roads. The bond of the road supervisor shall be executed by a corporate surety, authorized to do business in the State of Tennessee, and the premiums for the said surety bond shall be paid by the county.

As amended by:

Private Acts of 1949, Chapter 259

Private Acts of 1959, Chapter 130

Private Acts of 1961, Chapter 245

Private Acts of 1963, Chapter 250

Private Acts of 1973, Chapter 8

SECTION 2. That it shall be the duty of the supervisor in counties to which this Act applies, to efficiently construct, maintain and operate the road system in such counties; and it shall be his duty as early as weather conditions permit and funds available will allow, to begin the work of maintenance and repair of the roads in his county and to continue the same as long as necessary and permitted by available funds. Such road supervisor shall have full and complete authority to employ such labor and skilled mechanics as he may need but the compensation payable by him for such shall not exceed the compensation paid by the State Highway Department in such county for similar services. Such supervisor shall keep a time book of the hours of labor worked by each person so employed by him and for the purpose of paying such person for labor, and other necessary expenditures, may issue warrants drawn upon the road funds of said county, which warrant shall be drawn on the County Trustee; but no such warrant shall be valid unless countersigned by the County Judge of counties to which this Act applies nor unless accompanied by certificate from such road supervisor that the payee named in the warrant, where the same be issued for labor, has actually performed the number of hours set forth at the appropriate rate per hour. Any road supervisor who issues a fraudulent warrant shall be guilty of a misdemeanor and upon conviction, shall be fined not less than \$10.00, nor more than \$50.00, and imprisoned for not less than sixty days nor more than six months in the county jail. The road supervisor, with the approval of the County Judge, shall have the power and authority to make emergency purchases of supplies, materials, repair parts for road machinery or equipment and the like, provided any such emergency purchase does not exceed the sum of \$500.00. The road supervisor shall, at least 10 days prior to each regular meeting of the Quarterly County Court, make and file with the County Court Clerk a list showing all supplies, gas, oil, tires, materials, repair parts, equipment, machinery and the like that he thinks it necessary or desirable to purchase within the next 3 months and the estimated cost thereof; and the County Judge, with the approval of the Quarterly County Court, shall appoint a committee consisting of 3 members of the County Court who, along with the road supervisor and the County Judge, shall have and are hereby given the power and authority to, after the taking of bids, enter into contracts in the name of the County for the purchase of said supplies, gas, oil, tires, materials, repair parts, equipment, machinery and the like as they deem it necessary or desirable to purchase. No contract for the purchase of supplies, gas, oil, tires, materials, repair parts, equipment, machinery and the like shall be binding upon the County unless the same is made in accordance with the provisions of this Act and signed by the road supervisor and the County Judge in the case of emergency purchases in amounts under \$500.00, and signed by the road supervisor, the County Judge and said 3 members of the County Court in the case of purchases other than emergency

purchases. The road supervisor herein named shall at least ten days prior to the next meeting of the Quarterly County Court of counties to which this Act applies make and file with the County Court [sic] Clerk a full and complete report of all disbursements made by him since the date of the last report. Each report so made shall contain all disbursements up to the first of the calendar month in which such report be made; and such report when filed with the County Court Clerk shall be preserved by him as a part of the records of his office, shall be spread upon the minutes of the court if the Quarterly County Court so elect and shall be available for inspection by any interested citizen.

As amended by: Private Acts of 1959, Chapter 130

SECTION 3. That all applications to open, discontinue and change roads shall be made to the road supervisor and in addition thereto, such supervisor and the approval of the Quarterly County Court shall have power to do the same upon his own initiative and by the approval of the Quarterly County Court. For the purpose of more effectively making practicable such changes in the roads, the county, acting through the supervisor, shall have and possess the power of eminent domain which shall be exercised in the following manner:

Whenever the Road Supervisor and by the approval of the Quarterly County Court shall be of the opinion that a change or alteration in the present system of roads shall be necessary, he shall give notice to the landowner affected of the location of such proposed change and of the [sic] date upon which a jury of view will be summoned to view the proposed change and to award damages. He shall likewise file a copy of such notice in writing with the Sheriff of counties to which this Act applies and thereupon the Sheriff shall appoint a jury of view of five members to go upon and examine the premises and to assess the damages occasioned to the landowner by such change. The award of such jury of view shall be made in writing and filed with the County Court Clerk and all damages and costs awarded under this Act shall be and become a charge against [sic] the general funds of counties to which this Act applies. Any person aggrieved by the action of the jury of view herein provided may within ten days after the filing of said report by the jury of view with the County Court Clerk, appeal therefrom to the next term of the County Court of said County by giving security or executing the pauper's oath as required by law; and from the action of the Quarterly County Court an appeal lies to the next term of the Circuit Court of said county, either party being entitled to get a jury upon his or her application at the hearing in such Circuit Court. In addition to the right to condemn land for the purpose of changes in existing roads, such county is given the power of eminent domain with respect to borrow pits, gravel pits, sand banks and other material deemed necessary as essential in the construction of roads. The procedure in case of condemnation thereof shall be the same as that provided above; but nothing herein shall deny to such county the right to proceed to condemn such property under the procedure now provided by the general statutes of Tennessee for the exercise of eminent domain of public corporations, the procedure herein provided being merely alternative rather than exclusive. The road supervisor herein named shall have and exercise full and complete control over all bridges forming a part of the county highway system and such bridges shall be treated as a part of the road system for the purposes of this Act.

SECTION 4. That the Legislature hereby declares that the provision [sic] of this Act are severable and if any part thereof be unconstitutional, the Legislature expressly declares that it would have enacted this Act with such unconstitutional section elided therefrom; and that all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

SECTION 8. [sic] That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 2, 1943.

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