



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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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 1941 Chapter 153

SECTION 1. That all counties of this State having a population of not less than 8,358 and not more than 8,368 under the Federal Census of 1940, or any subsequent Federal Census, shall elect at the next general election in August, 1942, a Road Supervisor, who shall hold his office for a term of two years or until his successor is elected and qualified, provided that no member of the County Court shall be eligible to the office of Road Supervisor. That for the purpose of carrying out the provisions of this Act, Bob Evans is hereby designated to serve as Road Supervisor until the regular election in August, 1942, with the same salary and authority given the Road Supervisor to then be elected.

The said Road Supervisor shall take his oath of office in September following the election as other county officers, and before he assumes the duties and obligations of his office he shall be required to make an indemnity bond, to be paid out of said gas tax, in the amount of Twenty-Five Thousand Dollars (\$25,000) with some solvent bonding company authorized to do business in Tennessee, payable to the County, that he will faithfully and honestly comply with the requirements of his office. The Road Supervisor may be removed from office by a majority vote of the Quarterly County Court at any of their regular quarterly sessions upon conviction, after trial, that he has been guilty of any illegal acts in office, but he shall first be furnished with a copy of the charges against him at least five days before date of trial. In case of vacancy in the office of the Road Supervisor, and occurring while the Quarterly County Court is not in session, the same shall be filled by appointment made by the Judge or Chairman of the County Court, to hold until the next meeting of the Quarterly County Court, when the vacancy will be filled by the Court until the next regular August election. The Road Supervisor shall be a resident of the County, a freeholder, and must have had previous experience as a road builder and known to be a well-qualified man with the ability to deal with the public and to handle efficiently and ably the workers under his supervision. The said Road Supervisor shall devote his entire time to the duties of his office, which may be increased or diminished from time to time. In the event the County needs his services in connection with other road construction or in securing rights-of-way for other roads or highways, not directly under his supervision, he must make himself available. The said Road Supervisor, when elected under this Act, shall receive Five Hundred Dollars (\$500.00) a month for his services and in addition thereto he shall be allowed a county-owned automobile or pickup truck to make his trips over the County roads. Said upkeep and gas used in this county-owned truck or automobile shall be paid out of the County road fund, as well as all salaries incidental to the various road operations shall be paid from said road fund. Said road fund is created by the gas tax received from the state, and should at any time this gas tax be withheld for any cause from the County, then all expenses of road building, including salaries, shall terminate and payments cease. The bookkeeper hereinafter named shall draw his pay from the road or gas fund the same as other payments are made.

As amended by:

Private Acts of 1947, Chapter 614

Private Acts of 1953, Chapter 131

Private Acts of 1969, Chapter 127

SEC. 2. That a road supervisor of said County shall appoint for a term of one year a road overseer for each Civil District of the County, who may or may not be subject to road duties hereinafter provided; provided, that when such overseer is subject to the road duties hereinafter provided, he shall be exempt from actual labor during his term of office. Such overseer shall serve as many days in his official capacity as are fixed to road hands by the County Court without compensation except as hereinafter provided, and for each additional day's service in warning hands and in superintending the roads, he shall receive as compensation \$2.50 per day, not to exceed 10 days in any one year. He shall have charge and care of the tools, materials, etc., belonging to his section of roads, shall keep an account and take care of same, and shall turn the same to his successor in office when appointed. It shall be a misdemeanor for any such overseer, having received notice in writing of his appointment, to fail or refuse to serve as such overseer, to fully and faithfully perform his duties as such overseer, and to keep at all times his section of roads in a reasonably good state of repair throughout his entire term of office. He is especially required to see that all ditches are kept open and that no mudholes, ruts or washouts are allowed to remain in any of his roads longer than five days at any one time, and also to see that all ditches and culverts are kept open; and the Grand Juries of the respective counties of this State within the provisions of this Act shall have inquisitorial power to investigate the conduct of an overseer appointed under this Act, especially as to the condition and state of repair of the roads of his district, and any fine or fines collected under the provisions of this Act shall be paid to the County Trustee and credited to the road funds of said County. All overseers shall file an itemized statement with the Road Supervisor at the end of each month showing what roads he has repaired, the conditions of his roads, giving a list of all parties subject to road duty who have been warned

and have failed to work out their time on the road, and to furnish stub to receipt for each party who has worked the road taxes assessed against him for that year.

SEC. 3. That all male residents of the counties of this State within the provisions of this Act, living outside of any incorporated town, over the age of 21 years and under the age of 45 years, except those who shall be exempt by the County Court for physical or mental disabilities, which disabilities shall wholly incapacitate said party from performing manual labor, shall be subject to road labor upon the respective sections of the public roads as have been established by the Road Supervisor, or nearest to which such person resides, and to which they have been assigned by the Road Supervisor. The Road Overseer shall give three days' warning, either in person or written notice, left at the residence or usual stopping place of such person subject to road duty, of the time and place work will begin upon his section of the road, to all parties subject to road duties assigned to that section, and in case any hands so warned shall willfully fail or refuse to faithfully and honestly comply with the directions of the overseer to perform as many days' labor on that section of road to which he has been assigned, as are fixed upon him by the County Court, he shall be deemed guilty of a misdemeanor.

It shall be the duty of the overseer to report to the Road Supervisor all persons so refusing to work out the number of days fixed upon him or them, by the County Court, and it shall be the duty of the Road Supervisor to swear out warrants against all such delinquents before some justice of the peace and for the overseer and other essential witnesses summoned to give evidence against such delinquent; provided, that any road hand upon which a number of days' work has been fixed by the County Court under the provisions of this Act may commute same and be discharged therefrom by paying to the Trustee of the County, on or before the day appointed for road work upon the section of the road to which he has been assigned \$1.00 for every day's work to which he is subject, and all moneys so received from such person shall be expended upon the road section to which such person has been assigned. The overseer shall be present and superintend all work done upon his section of road, and he shall not require more than four days in any one week for work on any one section of road, nor shall any overseer receive pay for more than one warning or notice to hands for anyone working. Provided, further, that notice be given to hands at the close of the day's work to work upon any subsequent day within the next thirty days, fixed designated by said overseer, shall be legal and sufficient.

SEC. 4. That at the July term, 1941, and at any subsequent July term thereafter, that the Quarterly Court in their discretion shall fix within the provisions of this Act the number of days of labor to be performed by road hands subject to road duties hereinafter provided, but shall not be more than six days of eight hours each in any one year.

SEC. 5. That the overseers hereinbefore provided for shall have charge of all roads in their respective district other than State or Federal roads, but their respective authority over roads in their district shall be secondary to the authority of the County Road Supervisor and amenable to him at all times.

SEC. 6. That the Road Supervisor shall have general supervision of all common and graded and macadamized roads in the County, other than the State and Federal highways. He shall have control of the funds derived from taxation or otherwise for the construction and maintenance of all roads in the County under the limitations hereinafter provided for. It shall be the duty of the Road Supervisor to purchase all machines, tools, supplies, etc., under the rules of public advertising for sealed bids for each month's supplies upon estimates or requisitions. All bids to be opened on a fixed date in the office of the County Judge or Chairman in the presence of the County Judge or Chairman, the Clerk of the County Court and the road supervisor, and the contract for purchase awarded to the lowest and best bidder. An emergency fund of \$500.00 is hereby set up each month and the same to be used by the road supervisor in the purchasing of materials, machinery and other articles necessary for the carrying on of his duties as such road supervisor, and any of this money expended by him during the month shall be accounted for at the end of the month in full. Any of said fund not expended at the end of the month shall revert to the general road fund of the County. It shall be the duty of the road supervisor to take receipts showing the full amounts paid for such purchases for any company, firm, individual or from any source that said purchases shall be made and to file said receipts along with his reports to be made monthly, with the clerk of the County Court, which shall become a part of the road records and which shall be kept as a public record. The road supervisor shall not incur any debt beyond the sum set apart for roads for each current year, and at the expiration of his term of office any and all debts so incurred shall become an obligation against himself and his bondsmen and shall be collected by the County as other debts, and when paid, shall be returned to the county road fund.

He shall keep or cause to be kept a record of all his actions, preserve all papers, accounts, petitions and reports which may come into his hands and which shall become public records, subject to inspection to anyone who may desire to see them. He shall before giving order for payment carefully audit the accounts of overseers and other persons employed by him. He shall keep a complete and full record of all claims which he orders paid and shall draw an order on the county judge or chairman for same which shall

state in detail for what purpose this order is to be paid, and it shall be the duty of the county judge or chairman to audit the account or ordered paid and to issue warrant to the trustee for payment which shall constitute a charge against the county road fund. The road supervisor shall make or cause to be made a complete detailed report to each Quarterly County Court term, same to be made out in duplicate, one to be retained in the office of the road supervisor and the other to be filed with the County Court Clerk for public view. At the first session each year of the Quarterly County Court a complete inventory of all the county's road machinery, tools and all other property shall be shown in said report, showing in what repair same is at the beginning of each year as well as to show in said report the conditions of each district roads and bridges.

SEC. 7. That said road supervisor shall have the authority and it shall become his duty to lay out all roads in the county and classify them into first-class, second-class, third-class and fourth-class roads. First-class roads shall not be less than 24 feet in width, second-class not less than 18 feet wide, third-class not less than 14 feet wide, and fourth-class not less than 9 feet wide. Said road supervisor can make any changes in the county roads as the public needs may require by cutting down grades, ditching, cutting off rights-of-way, opening or closing by mutual consent with interested parties to adjacent properties by written agreements. Except as provided herein, no public funds shall be spent on private roads, without first laying them off and designating them as public roads, to be included within the above classes to be kept open to the public. Any other method for opening roads shall be within the provisions of the general law of condemnation procedure. It is further provided that the road supervisor shall have control of the building, repairing and maintaining of all bridges and culverts within the county road system, and shall buy only first-class material for the use in the construction and repairing of said bridges.

The County Judge and Road Supervisor jointly are authorized, upon the appropriation of funds to the road fund of the county for that purpose, to direct that personnel, equipment or materials of the County Highway Department may be used to spread rock or gravel upon such driveways or private roads entering onto a public road as the County Judge and Road Supervisor may designate and to direct that personnel and/or equipment of the County Highway Department may be used to excavate graves at such sites as the County Judge and Road Supervisor may designate, all under such terms and conditions as such officials may provide.

As amended by: Private Acts of 1976, Chapter 200

SEC. 8. That the road supervisor shall have full power to hire and to fire men employed to do road work and that all overseers shall be directly responsible to said road supervisor in the performance of their respective duties as overseers or foremen. He shall fix their wages, which shall be in accordance with the prevailing wage scale for like work in the community where their work is performed, he shall have the authority and it shall be his duty to get the best qualified men to use with the operation of the county's machinery.

SEC. 9. That the road supervisor shall have authority to appoint a bookkeeper, prescribe his duties and fix his compensation and said bookkeeper shall serve at the pleasure of said road supervisor. Said bookkeeper is to keep all the records of the County Highway Department and is to work in the office of the road supervisor. No member of the County Court shall be eligible for the office of bookkeeper for said County Highway Department. Said compensation of said bookkeeper when fixed shall be paid from the county's gas tax road fund, and chargeable thereto. Before said bookkeeper assumes the duties and obligations of his office he shall be required to make an indemnity bond in the amount of \$1,000.00 with good and sufficient security approved by said supervisor, payable to the county, that he will faithfully and honestly comply with the requirements of his said office.

SEC. 10. That this Act shall be liberally construed and interpreted, and its provisions are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SEC. 11. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 5, 1941.

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