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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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Private Acts of 1947 Chapter 159

SECTION 1. That there is hereby created a County Road Superintendent in Counties of this State having a population of not less than 31,125 nor more than 31,140 by the 1940 Federal Census, or any subsequent Federal Census, that the said County Road Superintendent shall be elected by the qualified voters of said County, the first election under this Act is to be held at the regular August election 1948, and said term shall commence on the first day of September, 1948, and shall be elected for a term of two years and shall serve until his successor is duly elected and qualified. In the event there is a vacancy in said office, the Quarterly County Court shall have authority to appoint the successor, who shall serve until the next regular election, at which time the vacancy shall be filled by the qualified voters of said County.

As amended by: Private Acts of 1949, Chapter 714

SEC. 2. That the compensation for said County Road Superintendent shall be Sixty Five Hundred Dollars (\$6,500.00) per annum, payable monthly out of the road funds of said County, by a warrant drawn upon the County Trustee, payable out of said funds and signed by said County Road Superintendent. Said County Road Superintendent shall have the exclusive control over the maintenance, management, and supervision of county rock quarries in said County, but shall receive no added compensation therefor, it being the intent of this Chapter that the compensation fixed herein shall be the total compensation for such County Road Superintendent.

As amended by: Private Acts of 1951, Chapter 632
Private Acts of 1953, Chapter 588
Private Acts of 1961, Chapter 357
Private Acts of 1963, Chapter 141

SEC. 3. That the County Road Superintendent provided for under this Act shall be a person of not less than 25 years of age; shall have at least two years engineering work in an accredited school, or four years of practical experience in road building and/or road maintenance.

SEC. 4. That the said County Road Superintendent shall have full and complete control and supervision over all of the roads and bridges of said County which are not a part of the State Highway System. Said County Road Superintendent shall have the exclusive control over the maintenance, management, and supervision of the Road Department in said County, with complete power to employ and discharge employees as he may see fit. He shall also have power to employ such personnel as may be deemed necessary by him to properly carry out his functions and duties as County Road Superintendent and the salaries and expenses shall be paid out of the General Road Fund of said County upon a warrant signed by the County Road Superintendent.

SEC. 5. That it shall be the duty of the County Road Superintendent to keep an accurate and complete record of all receipts and disbursements made by him, and he shall keep separate accounts and records of all purchases made for the building, repairing and maintenance of said roads and bridges as well as an account and record of all machinery and equipment which he purchases. Said Road Superintendent shall make a detailed report to the Quarterly County Court of said County, setting forth the financial status, including receipts and disbursements made by him out of the County Road Fund. This report is to be made quarterly at the regular meeting to the Quarterly County Court.

SEC. 6. That in the event of the cessation of work on the roads of said County for any reason, said County Road Superintendent shall have the right to immediately suspend payment of the salaries of any employees whom he might have working under him, and said salaries shall remain suspended until the road work in said County is resumed.

SEC. 7. That all funds received by the County Trustee, including gas tax and all State road funds now and hereafter levied for the use and benefit of the roads and highways of said County, shall be kept in a separate fund to be known as "The General Road Fund" of said County and the same shall be expended upon such roads and bridges as the County Road Superintendent may designate.

SEC. 8. That any person obtaining gasoline belonging to said County by fraudulent representation, or who uses for private purposes any equipment or machinery belonging to said County shall be guilty of misdemeanor and punished accordingly. That such person, if he be an employee of said County, shall be immediately discharged, and it shall be the duty of the County Road Superintendent to carry out the provisions of this Act.

SEC. 9. That the County Road Superintendent herein created may allocate not more than 15% of the road funds to be expended on the rural district roads of the County not heretofore designated as gas tax roads.

SEC. 10. That the County Road Superintendent hereunder elected, before entering upon the discharge of his duties, shall take and subscribe to an oath that he will perform the duties of his office faithfully and impartially and without prejudice against or in favor to any section of said County or individual, and shall execute to the State of Tennessee a good and solvent bond in the amount of Seventy-five Hundred (\$7,500.00) Dollars, payable to the State of Tennessee for the benefit of that particular County in which he is elected, and that he will faithfully and impartially execute and perform all the duties imposed upon him without fear, favor or partiality and that he will honestly and faithfully expend and account for all moneys coming into his hands, and honestly and faithfully discharge all duties required of him by law.

SEC. 11. That said County Road Superintendent shall have the right and power to purchase such equipment as he deems may be necessary to be used in the building and maintenance of the roads and bridges of said County, and said equipment shall be paid for out of any road funds available to said County, provided that all purchases of equipment of any character, as well as oil, and gas and other supplies, shall contemplate the expenditure of more than One Hundred (\$100.00) Dollars, the same shall be purchases upon competitive bids and in such quantities as will give said County the benefit of the best possible prices.

SEC. 12. That this Act take effect from and after September 1, 1948, except that portion of the Act providing for the election to be held and the same shall become effective August 1, 1948, the public welfare requiring it.

Passed: February 3, 1947.

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