



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter IX - Highways and Roads

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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

## Road Supervisor

### Private Acts of 1951 Chapter 68

**SECTION 1.** That in counties of this State having a population of not less than 11,100, nor more than 11,200, by the Federal Census of 1940, or any subsequent Federal Census, there is hereby created the office of County Road Supervisor. The county road supervisor shall serve as the chief administrator officer of the county highway department and shall have qualifications, duties and compensation according to the County Uniform Highway Law codified at Tennessee Code Annotated, Title 54, Chapter 7 and other general law. The county road supervisor shall serve as the purchasing agent for the county highway department..

At the August general election in 1966 and each four year thereafter such Supervisor shall be elected by the qualified voters of such Counties and shall take office on September 1 following such election. The county road supervisor shall take office upon taking an oath of office and entering into bond in the manner required by general law for the chief administrative officer of the county highway department. In addition to the bond required by general law, the county legislative body, by resolution, may require additional bond of the county road supervisor for the faithful performance of the duties of the office and the safekeeping of property that may come into the care and custody of the county road supervisor.

As amended by:

Private Acts of 1959, Chapter 29  
Private Acts of 1965, Chapter 191  
Private Acts of 1967, Chapter 138  
Private Acts of 1971, Chapter 34  
Private Acts of 2002, Chapter 125

**SECTION 2.** That the County Road Supervisor as herein created shall have general supervision over the construction, repair, and maintenance of all roads, bridges, gravel pits,, [sic] and other like structures which form a part of the County Highway System. He shall formulate the general road program of said County, which shall contain a description of the roads forming a part of the County Highway System and revise the same from time to time as changes may be made. 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 Road Supervisor, who shall act upon the same. Condemnation proceedings may be instituted by said County Road Supervisor 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. He shall make and file with the county legislative body at each regular term of complete report of his activities for the preceding quarter, which report shall contain a resume of work performed, the condition of the roads of said County, any proposed improvements to be made thereon and such progress as shall have been made upon the County System of Roads. Such report shall also contain a detailed statement of receipts and disbursements by such officials. All disbursements from highway funds shall be made upon warrant of the County Highway Supervisor, countersigned by the county executive and drawn on the County Trustee.

As amended by:

Private Acts of 2002, Chapter 125

**SECTION 3.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 25, 1951.

## Highways and Roads - Historical Notes

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

1. Public Acts of 1901, Chapter 136, empowered the County Court to elect one (1) Road Commissioner for each road district. The Commissioner would supervise all the public roads, bridges and overseers in his district. The County Court each year would levy an ad valorem tax on all property in the county for road purposes. The Act provided for residents to work off two-thirds (2/3) of their tax and made all males between twenty-one (21) and forty-five (45) years of age subject to road labor. Further, the Act divided all roads into four (4) classes and created a County Highway Commission to accept bids and to keep county highways in repair. This Act was the subject of the litigation in the case of Carroll v. Griffith, 117 Tenn. 500 97 S.W. 66

- (1906).
2. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, the general road law above, in several minor particulars, but primarily in the filing and processing of the petitions to open, change, or close a public road.
  3. Private Acts of 1919, Chapter 723, created a Road Commission for Chester County to be composed of three (3) members elected by the Quarterly County Court. Each Commissioner would receive fifty (\$50) dollars yearly as compensation for their services. The Commission was empowered with the general supervision, control and management of the public roads, levees, culverts and bridges of the County. All males between the ages of twenty-one (21) and fifty (50) years old were subject to ten (10) days of road duty and for the release of same could supply a substitute hand for his duty or pay a commutation fee of seven dollars and fifty cents (\$7.50). The Act called for an annual road tax to be levied of not less than forty (40¢) cents on every one hundred (\$100) dollars worth of taxable property was in the county. This Act was repealed by Private Acts of 1923, Chapter 663.
  4. Private Acts of 1923, Chapter 663, repealed Private Acts of 1919, Chapter 723, and created the office of Road Supervisor and Secretary to the Road Supervisor. The Road Supervisor would be elected every two (2) years by the Quarterly County Court of Chester County. The County Court Clerk would act as ex officio secretary to the Road Supervisor. The Road Supervisor would have general supervision control and management of public roads, highways and bridges in the County. The males in the County between the ages of twenty-one (21) and fifty (50) were subject to road duty of no less than ten (10) days per year or release from same by paying a seven dollar and 50 cents (\$7.50) commutation fee or by supplying a substitute to work his days. The Act called for an annual tax for road purposes to be levied of not less than forty (40¢) cents on every one hundred dollars (\$100) worth of taxable property in the County.
  5. Private Acts of 1929, Chapter 843, stated that it amended Private Acts of 1919, Chapter 723, cited above, although the 1919 Act was supposedly repealed by Private Acts of 1923, Chapter 663, also cited above. The 1929 Act struck Sections 8, 9, and 10 from the 1919 Act and provided that all male residents of Chester County living outside the incorporated towns were subject to ten (10) days yearly of road duty but could pay a commutation fee of four (4) dollars to be released from said duty or supply a substitute to take his place.
  6. Private Acts of 1929, Chapter 889, created a County Highway Commission composed of five (5) members. The duty of said Commission was to provide an efficient system of building and maintaining all county public roads and bridges in Chester County. The County Highway Commission was empowered to contract with and employ a superintendent of County Roads. The County Highway Commission was required to make an annual report to the Quarterly County Court relative to the condition of the roads and road machinery and the amount of funds expended by the Commission during the preceding year. This Act abolished the office of District Road Commissioners vesting in the Commission and the Superintendent the duties once held by this office.
  7. Private Acts of 1931, Chapter 193, amended Private Acts of 1919, Chapter 723, in Section 2, by changing the compensation of the members of the Road Commission from fifty (\$50) dollars annually to five (\$5.00) dollars per day for each day actually engaged in performance of their duties as members of the Road Commission. Section 6 of the 1919 Act was amended by making members of the Road Commission eligible to serve as Road Supervisor if one was not hired. Section 11 was amended by giving the Commissioners authority to expend tax money to purchase road machinery, equipment, etc.
  8. Private Acts of 1939, Chapter 437, authorized the County Board of Election Commissioners to call an election for the purpose of determining the will of the qualified voters of Chester County relative to the election of a Road Supervisor by popular vote.
  9. Private Acts of 1949, Chapter 278, created a County Highway Commission of three (3) members. Chester County was divided into three (3) road districts with one (1) member of the commission being appointed from each road district. The Chairman would act as Supervisor of Roads and the two (2) associate members would perform as directed by the Chairman. The County Highway Commission was responsible for the general supervision over the construction, repair and maintenance of all roads and bridges in the County.