



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IX - Highways and Roads

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

Table of Contents

Chapter IX - Highways and Roads 3
Road Law 3
Private Acts of 1943 Chapter 436 3
Highways and Roads - Historical Notes 4

Chapter IX - Highways and Roads

Road Law

Private Acts of 1943 Chapter 436

SECTION 1. That in all counties having a population of not less than 24,650 nor more than 24,665 by the 1940 Federal Census or any subsequent Federal Census, there shall be elected at the regular election in August 1944 by the qualified voters of said county a road superintendent who shall hold his office for a period of four (4) years and until his successor shall be elected and qualified. Until September 1, 1944, Brownlow Leach, Jr., is named as road superintendent.

Before entering upon his duties as such superintendent of roads whether appointed to fill a vacancy or elected for a full term, he shall execute a bond in the sum of \$50,000.00 conditioned upon the faithful performance of his duties as such, and if such bond be executed with a corporate surety, the premium therefor may be paid from road funds. The superintendent shall be paid the sum of \$10,000.00 per annum, payable monthly from highway funds, and said road superintendent shall be allowed a maximum of \$814.52 per month for clerical hire.

As amended by: Private Acts of 1979, Chapter 57
Private Acts of 1981, Chapter 20
Private Acts of 1982, Chapter 265

There is hereby created the office of Assistant Clerk to the Claiborne County Road Superintendent who shall be a legal resident of Claiborne County. Such Assistant Clerk shall be appointed by the County Road Superintendent and shall hold office at the will and pleasure of such Road Superintendent. The salary of the Assistant Clerk to the County Road Superintendent shall be \$758.36 a month payable monthly from county funds. Such Assistant Clerk shall perform such duties as shall be designated and appointed to the Assistant Clerk by the County Road Superintendent.

As amended by: Private Acts of 1979, Chapter 58
Private Acts of 1981, Chapter 20
Private Acts of 1982, Chapter 265

The road superintendent shall have charge of the handling of all road funds in counties to which this Act applies, made available to them by the Quarterly County Court under the Budget Law, Chapter 559 of the Private Acts of 1939, and shall generally supervise, build, maintain and construct the roads in said counties and keep the same in repair and shall be vested with authority to cooperate with the Department of Highways and Public Works of the State. They shall not enter into any contract in any fiscal year exceeding the funds available for such year nor shall the superintendent of roads expend more funds in any fiscal year than the reasonably anticipated revenues for highway purposes. Any violation of this provision shall subject the superintendent of roads to ouster and shall likewise be a felony for which he may be punished criminally.

He shall have charge of the expenditure of the general road funds of such County as set up in the budget adopted by the Quarterly County Court as provided in the Budget Law, Chapter 559 of the Private Acts of 1939, for the purpose of building, maintaining and repairing such road and in expending the same he shall distribute the funds as nearly as possible in the different sections of the County. All payments made by the superintendent of roads shall be made out on warrants signed by the superintendent of roads, such warrants being drawn on the County Trustee. It shall be the duty of the Superintendent to make a detailed itemized report of all receipts and expenditures, which reports shall be made to each regular term of the Quarterly County Court of such County at least five days before the date fixed by law for such meeting of the said Quarterly County Court.

That in said counties there is hereby created the office of Clerk to the County Road Superintendent who shall be a legal resident of Claiborne County. This Clerk shall be appointed by the County Road Superintendent and shall hold office at the will and pleasure of the County Road Superintendent. The salary of the Clerk to the County Road Superintendent shall be a \$125.00 a month payable monthly from any road funds of the county to which this Act applies, whether made available to the County Road Superintendent by action of the Quarterly County Court of such counties or from gas tax monies provided for such counties by the State of Tennessee.

The said Clerk to the County Road Superintendent shall perform such duties as shall be appointed to the Clerk by the County Road Superintendent.

All Warrants and purchase orders issued by the Superintendent of Roads shall be countersigned by the County Judge and no Warrant or purchase order shall be issued for any purposes except upon certification

by the County Judge that the Road Superintendent has on hand currently sufficient funds to pay said Warrants, and it shall be the duty of the County Judge to maintain such records and to keep account of the funds of the Office of County Road Superintendent so that he will be able to determine whether or not there are sufficient current funds available to pay any particular warrants issued by the County Road Superintendent. All purchases made by the Superintendent of Roads in excess [sic] of the sum of Five Hundred Dollars (\$500.00) must be let on competitive sealed bids and it shall be the duty of the Superintendent of Roads to advertise all purchases in excess of Five Hundred Dollars (\$500.00), at least one (1) time in the County newspaper, at least ten (10) days before said purchase is to be made. It is hereby declared to be a misdemeanor for any public official to fail to carry out the duties of this office as set forth above and upon conviction thereof he shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00).

As amended by:

- Private Acts of 1947, Chapter 125
- Private Acts of 1949, Chapter 342
- Private Acts of 1951, Chapter 58
- Private Acts of 1953, Chapter 319
- Private Acts of 1961, Chapter 199
- Private Acts of 1967-68, Chapter 144
- Private Acts of 1972, Chapter 334
- Private Acts of 1974, Chapter 214
- Private Acts of 1978, Chapter 208

SEC. 2. That each section, subdivision, paragraph and sentence of this Act is hereby declared to be a separate and independent portion hereof, and the invalidity of any section, subdivision, sentence or paragraph hereof shall not affect any other portion of this Act.

SEC. 3. That all laws or 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 10, 1943.

Highways and Roads - Historical Notes

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

1. Acts of 1805, Chapter 40, appointed commissioners to oversee a section of Bean's Station Turnpike in Claiborne and Grainger counties.
2. Acts of 1807, Chapter 92, prescribed the oath to be taken by the person employed to be keeper of the Bean's Station Turnpike and provided for annual reports of the commissioners of said turnpike.
3. Acts of 1813, Chapter 48, authorized William Cocke to build a toll bridge over the Powell River.
4. Acts of 1815, Chapter 134, prescribed the manner in which that section of the Bean's Station Turnpike in Claiborne and Grainger counties should be kept in repair.
5. Acts of 1815, Chapter 185, authorized a bridge to be built across Powell River and set the rate of toll.
6. Acts of 1817, Chapter 41, appointed Hugh G. Moore as commissioner of Bean's Station Turnpike in place of Thomas Gill and also appointed Samuel Branch as an additional commissioner.
7. Private Acts of 1819, Chapter 42, directed the commissioners of the Bean's Station Turnpike to make a full report to the legislature on the level of maintenance of said road.
8. Private Acts of 1819, Chapter 83, authorized Dennis Condrey and William Hill to open a turnpike road, build a toll gate and to collect tolls. This act was subsequently repealed Private Acts of 1820, Chapter 7.
9. Private Acts of 1824, Chapter 110, appointed William Graham, Beverly Mariom, and Joseph Rach as commissioners of the Bean's Station Turnpike Road.
10. Private Acts of 1835-36, Chapter 87, provided for the viewing and laying off of a road from the Cumberland Gap to the Smokey Mountain Turnpike Road in Claiborne County.
11. Acts of 1841-42, Chapter 190, Section 3 and 4, allowed the citizens of Grainger and Claiborne counties to pass toll free on the Bean Station turnpike whenever on attendance at the courts of either of said counties. Furthermore, the citizens of Claiborne County who were working on the

- Bean Station Turnpike Road were required to work on said turnpike road from the Clinch River to the top of Cumberland Mountain, two days in each year, in the month of October. The citizens of Claiborne County were allowed to pass through additional tolls, toll free.
12. Acts of 1843-44, Chapter 116, appointed commissioners for the improvement of the Clinch River. John Bullard of Claiborne County was one of those appointed. Section 7 authorized the commissioners to use the unexpended portion of their funds to improve a road leading from Claiborne County to Campbell County.
 13. Acts of 1845-46, Chapter 139, appointed commissioners for the Bean's Station Turnpike Road which ran through Claiborne County from Cumberland Gap to the Clinch River.
 14. Acts of 1851-52, Chapter 61, authorized a public toll turnpike road from Tazewell to Knoxville.
 15. Acts of 1855-56, Chapter 142, amended the act chartering the turnpike road from Tazewell to Knoxville to specify the necessary upkeep and overseers.
 16. Private Acts of 1865-66, Chapter 88, incorporated the Knoxville-Tazewell Turnpike Company to construct the macadamize road from Knoxville to Tazewell.
 17. Private Acts of 1869-70, Chapter 45, exempted the citizens of Claiborne County from paying the toll at the Thorn Hill Toll Gate.
 18. Private Acts of 1917, Chapter 811, provided that all male inhabitants between the age of 18 and 50 would work on the county roads eight days per year. Those persons subject to road service could be exempted by paying \$2.00 per year. This act was amended by Private Acts of 1919, Chapter 29.
 19. Private Acts of 1919, Chapter 339, validated all actions of the Claiborne County Court in their authorization of interest bearing highway warrants.
 20. Private Acts of 1919, Chapter 403, was a general road law for Claiborne County which provided for the laying out of public roads and the repair and maintenance as well. This act abolished the office of district road commissioners.
 21. Private Acts of 1921, Chapter 541, was another general road law for Claiborne County, and further provided for a tax to pay for road construction and maintenance.
 22. Private Acts of 1923, Chapter 353, was a general road law for Claiborne County which provided among other things for abolishing free labor.
 23. Private Acts of 1925, Chapter 18, was a general road law for Claiborne County. The act was subsequently amended by Private Acts of 1929, Chapter 533 and Private Acts of 1941, Chapter 155. Private Acts of 1929, Chapter 533, was subsequently repealed by Private Acts of 1941, Chapter 154. This act was repealed by Private Acts of 1943, Chapter 434.
 24. Private Acts of 1937, Chapter 615, validated all actions taken by the Claiborne County Courts in issuing \$250,425.00 in highway bonds.
 25. Private Acts of 1951, Chapter 576, validated certain promissory notes through which the Claiborne County Highway Department had purchased certain pieces of equipment.
 26. Private Acts of 1963, Chapter 58, was an act to amend Private Acts of 1943, Chapter 436, to increase the salary of the road superintendent. This act did not become operative because it was rejected by the local authorities.
 27. Private Acts of 1967-68, Chapter 104, amended Private Acts of 1943, Chapter 436, to lengthen the times of the county road superintendent from 2 to 4 years. This act did not become operative because it was rejected by the local authorities.
 28. Private Acts of 1970, Chapter 233, amended Private Acts of 1943, Chapter 436, to lengthen the times of the county road superintendent from 2 to 4 years. This act did not become operative because it was rejected by the local authorities.
 29. Private Acts of 1972, Chapter 335, amended Private Acts of 1943, Chapter 436, to increase the salary of the county road superintendent. This act did not become operative because it was rejected by the local authorities.

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