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# Road Law

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# Road Law

## Private Acts of 1961 Chapter 330

### SECTION 1.

(a) There is created for Cocke County a Board of Highway Commissioners which shall consist of seven (7) members. There shall be one (1) commissioner who shall reside in and be elected from each district from which members of the County Legislative Body are elected. The commissioners provided for in this act shall be elected to their office at the regular August election in 1982 and shall commence serving their elected positions on the first day of September in 1982 and shall continue to serve for a term of four (4) years and until their successors are elected and qualified. Should any vacancy occur in such commissioners by death, resignation, or removal, the County Legislative Body shall fill such vacancy. Such commissioners shall receive for their services the sum of three hundred dollars (\$300) per year. They shall receive necessary traveling expenses when their duty calls them outside of the county in the interests of the public roads of such county. The County Legislative Body may at its regular July term of any year raise or lower the salary of the highway commissioners. The presiding officer of the County Legislative Body shall be a member ex-officio of the commission. The commission shall elect a chairman from among its membership.

(b) Those persons serving as highway commissioners in accordance with Section 1 of Chapter 330 of the Private Acts of 1961 shall continue to serve until such time as their successors are elected and qualified in the regular August election of 1982 as provided for in subsection (a).

(c) It shall be the duty of the commissioners to meet twice each month for the purpose of designating and laying out the work to be done on the public roads of the county and for the purpose of transacting any other business to come before such commission.

As amended by: Private Acts of 1980, Chapter 176

Private Acts of 1981, Chapter 117

**SECTION 2.** That no person shall be eligible to a position on said Commission who is not a citizen and free holder of said County, who is not of legal age, who does not sustain a good moral character and in all respects is upright in his dealings. All of said Commissioners shall be persons known to be of sound judgment and discretion, who are regarded as successful in their respective vocations of good business capacity and ability and one at least shall be a man skilled in matters of finance. Before entering upon the discharge of their duties they shall take and subscribe to an oath of office in writing to be filed in the office of the County Court Clerk of said County, that they will faithfully and honestly discharge the duties of the office to the best of their skill and ability without partiality, fear or favor to persons or the people of any section of said County, and shall enter into bond with some bonding Company authorized to do business in said County, to be approved by said Quarterly County Court, and in the sum of \$5,000.00 payable to the State of Tennessee for the use of said County, conditional upon the faithful discharge of all their duties, the same to be paid by the Commission out of the road fund.

**SECTION 3.** That it shall be the duty of said Highway Commissioners to take general oversight and management and control of all public roads, pikes or dirt roads within said County except those which are maintained by the State Highway Department, and should any of the roads now maintained by the State Highway Department be abandoned by the State Highway Department said roads [sic] or roads shall come under the oversight and management of said Commission. Said Highway Commission shall have the right to maintain, construct or reconstruct, macadamize, locate or re-locate any of said public roads. Said Highway Commission shall have charge of all bridges across any branch creek, or river except those under the care of the State Highway Department, for the purpose of maintaining and improving the same.

Said Commissioners shall be provided with an office room in the Court House of said County by the County Court of said County. Said Commissioners may make and adopt all such rules and regulations with reference to laying out, working, maintaining, constructing, reconstructing, all of said public roads, pike and dirt roads and bridges as indicated above in the County, by County convict labor and by the use of County road funds as its judgment will best promote the interests of the County and carry out the object of this Act. Such rules and regulations will be consistent with the rules and regulations of the State Constitution and with the provision of this Act, and when so adopted shall be a part of the road building maintenance program of said County.

Said Commission shall have jurisdiction over expenditures of all road funds belonging to the County from whatever source.

Said Commission shall have the duty to classify all county roads and submit to the Quarterly County Court

for its approval, a long-range maintenance and improvement plan for the County road system.

Said Commission shall submit to the Quarterly County Court annually its plans for execution during the ensuing fiscal year, and the expenditures of said Commission shall be limited to those provided for in its approved long-range maintenance and improvement plans.

Said Commissioners are hereby empowered to buy all necessary supplies and equipment as may be necessary to carry out the provisions of this Act, and to make any contracts necessary for the benefit of the County road system.

Said Commission, before making contracts to purchase any materials, machinery, tools, supplies or equipment, when the aggregate cost of such purchase exceeds five hundred dollars (\$500.00), or before letting any contracts for any construction, must advertise for bids in some newspaper published in Cocke County for at least ten (10) days, which notice shall be full and specific and shall enable the bidders to prepare their bids, which must be sealed and filed with said Commission at a designated place on or before the time fixed in the notice. Said Commission may prescribe that these bids must be accompanied by proper bonds or guaranty that proper bond will be executed. These sealed bids shall be opened in the presence of the bidders and public generally by the Superintendent of said Commission, and the bidder making the best and most advantageous offer shall be awarded the contract by the Commission upon complying with all requirements of the Commission. Provided, that said Commission shall have the authority to reject all bids and advertise again in the same manner for new bids. Said Commission shall keep detailed records of all bids and bidders. All contracts for the purchase of materials, machinery, tools, supplies or equipment shall be in writing signed by the Superintendent.

Said Commission shall restrict its spending to its current revenues plus surplus, if any, and shall not obligate or encumber its anticipated revenues other than for the current fiscal period. Exceptions to these restrictions may, in case of emergency, be made with the prior approval of a majority of the members of the Quarterly County Court.

The Commission is vested with power to enter into and make any contracts with the State Highway Department and with the United States or any of its agencies relative to any road or road program of said County.

As amended by: Private Acts of 1973, Chapter 157

**SECTION 4.** There is hereby created a chief administrative officer of the county road system to implement the county road law. The official title of the chief administrative officer of the county highway or road system shall be the superintendent of highways. Unless otherwise provided by this Act, the superintendent of highways shall meet the requirements and general qualifications for and perform the duties of his office in accordance with the provisions of the Tennessee County Uniform Road Law, Tennessee Code Annotated, Title 54, Chapter 10. The superintendent of highways shall be elected to office by a majority vote of the number of qualified voters of the county. At the Regular August General Election in Cocke County in 1982, and every four (4) years thereafter, there shall be elected a superintendent of highways to serve until his successor is elected and qualified commencing September 1 next following his election.

As amended by: Private Acts of 1973, Chapter 157

Private Acts of 1980, Chapter 175

**SECTION 5.** Before entering the duties of his office the newly elected superintendent of highways shall take the oath of office and execute bond in the sum required by the general law in accordance with Tennessee Code Annotated, Section 54-1008 [54-7-108], conditioned upon the faithful performance of his duties and for the proper accounting of all funds and property of the county or state coming under his control.

As amended by: Private Acts of 1980, Chapter 175.

**SECTION 6.** It shall be the duty of the superintendent of highways to carry out the policies set by the commission, to devote his time to the roads of the county, to familiarize himself with the roads of the county and shall be charged with the duty of maintaining them and keeping them in good repair and laying out of such new pikes and roads as may be ordered. He shall regulate the working of all roads within the county by the county road hands and convicts, shall regulate the working of county road hands and county convicts on such roads or in quarries, quarrying and crushing stone. He is authorized to determine the total number of employees of the county highway department, to determine personnel policies, hours of work, to establish job classifications and to establish policies and wages within guidelines and ranges to be set by the commission. For this or other purposes, he shall be empowered to employ and discharge such foreman, guards and other laborers, office personnel and assistants as necessary in properly carrying on his work, subject at all times to the approval of the commission.

As amended by: Private Acts of 1980, Chapter 175

**SECTION 7.** That the County Jail of said County is hereby declared to be a county workhouse, and the sheriff of said county shall have the care and custody of all county convicts committed to that institution, except when they are at work on the roads and are being taken to or returned from such work, during which time the superintendent or person designated by him shall have care and custody of them and shall be responsible for their safety.

The purpose of this Act in regard to County convicts being only to provide a method for working them on said public roads and bridges and in quarries, in all other respects, the general law in regard to County convicts is not affected, but the same is hereby declared to be in full force and effect.

**SECTION 8.** That it shall be the duty of said superintendent to work all able-bodied convicts committed to the County Workhouse on said public roads of said County, or in quarries, quarrying and crushing stone for said public roads and road purposes, taking them from the jail or workhouse in the morning and returning them at night, when it shall be deemed practical by said commission for him to do so.

**SECTION 9.** That the County Court may in its discretion levy a road tax on all property taxable by law in the County, outside of incorporated towns and taxing districts of not more than fifty cents (50¢) on each One Hundred (\$100.00) Dollars worth of taxable property, which taxes, when collected, shall be kept by the County Trustee in one fund called the Public Road Fund.

All revenues from whatever source derived for use on the public roads and bridges as indicated above, shall be kept by the Trustee in the said Road Fund Account.

As amended by: Private Acts of 1967-68, Chapter 255

**SECTION 10.** That all machinery and tools of every description belonging to said county now in the hands of the Cooke [sic] County Commission, the Cocks County Road Superintendent, or any District Commissioner of said County, or any other person or organization, shall come into the hands of said Highway Commission for its care and use

**SECTION 11.** That all applications to open, close or change roads shall be governed by the general law of the State of Tennessee applicable to said subject.

**SECTION 12.** That said County has the right of eminent domain to be exercised by it through its Highway Commission, for public road purposes to be exercised as required by general law in condemnation, except that the county shall not be required to make bond for damages.

**SECTION 13.** That all such public road funds shall be paid out by the County Trustee on the warrant of the superintendent when countersigned by the Chairman of the Quarterly County Court, showing for what purpose issued.

**SECTION 14.** That said Superintendent shall make a quarterly report to the Quarterly County Court at each regular quarterly session of the County Court, which report shall be attested by said commission, showing the amount of work done on said public roads and bridges, and the cost of same; the amount of materials purchased, from whom, and for what it was used and the cost of the same; the work done by convicts and the cost of the same; the amount of work done by paid labor and the cost of the same; the items of machinery and tools purchased and the cost of the same; the amount of each contract, if any, let on said public roads and bridges and amounts paid on the same; the cost of maintenance of machinery and equipment; the cost of operating the quarries; all salaries paid; all travel expenses paid; and an accounting of all moneys paid out; and an inventory of all property on hand; the names of all employees, the capacity in which employed, and the wages paid each employee; and any and all other matters necessary to give a complete accounting of the operation and condition of the County road system, the Highway Commission and its funds during the preceding quarter. Said report shall be copied on the minute book of said Highway Commission and a copy of same personally signed by said Superintendent filed with the County Court Clerk of said County and entered on the Quarterly County Court minutes.

**SECTION 15.** That a violation of this Act, or willful neglect [sic] of duty whereby any public road or bridge on same covered by this Act is allowed to become dangerously out of repair or become impassable, provided they have been notified and means are available shall be a misdemeanor on the part of said commission and superintendent, and upon conviction thereof, they may be severally adjudged to pay a fine of not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00) and all costs.

**SECTION 16.** That no contract shall be let to or made with any person in which any member of said Commission or the Superintendent is interested, directly or indirectly, or with whom any member of said Commission or the Superintendent is knowingly related, either by blood or marriage within the fourth degree, computed by the civil law. Nor shall any stockholder or other person in any way interested in any firm or corporation doing business with the commission be related as aforesaid to any member of said Commission or the Superintendent. Neither shall any employee of said Commission have any interest in any contract or be knowingly related within the fourth degree to any person interested therein. Any

contract where such interest or relationship exists shall be utterly void.

**SECTION 17.** That not more than one person related to any member of said Commission or to the Superintendent within the Fourth degree, whether by blood or marriage, shall be employed by said Commission in any capacity.

**SECTION 18.** That no member of the Board of Highway Commissioners, Superintendent or employee of the County working under the provisions of this Act shall use, or appropriate or permit the use of or appropriation of the property, materials, equipment, or labor owned or paid for by virtue of the provisions of this Act, by any private person or for the use and benefit of any private person.

No Commissioner, or Superintendent shall build or repair or permit to be built or repaired any road or bridge upon any property not a part of the public road system of said County, duly accepted and classified by formal action of said Commission.

The violation of the provisions of this section shall be sufficient ground for ouster, and shall be a felony, upon conviction for which may be punished by not less than one nor more than five years imprisonment.

**SECTION 19.** That Chapter No. 359 of the Private Acts of 1953 and all laws or parts of laws in conflict with this Act or any provision of the same, be and the same are hereby repealed.

**SECTION 20.** That the provisions of this Act are severable, and if any of its provisions, sections, paragraphs, phrases, word or words shall be held unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the same shall not affect the remaining provisions, sections, paragraphs, clauses, phrases or other words of this Act, 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.

**SECTION 21.** That this Act shall have no effect unless the same shall be approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Cocke County, at a regular or special meeting held not more than ninety (90) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse and shall be certified by him to the Secretary of State.

**SECTION 22.** That this Act shall take effect for the purpose of ratifying the same as provided in Section 21 from and after its passage, the public welfare requiring it; and for all other purposes, on September 1, 1962.

Passed: March 15, 1961.

## Private Acts of 1980 Chapter 176

**COMPILER'S NOTE:** Section 1 of this act amended Private Acts of 1961, Chapter 330 which is printed herein.

**SECTION 2.** If such offices of highway commissioners are approved of by the voters of Cocke County pursuant to the provisions of this Act, then such persons desiring to hold such approved offices may then qualify to run for office in the Regular August Election of 1980 notwithstanding any provision of the law to the contrary.

**SECTION 3.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of Cocke County, voting in an election on the question of whether or not the Act should be approved. The ballots used in the Preferential Presidential Primary to be held in May 1980, shall have printed on them the substance of this Act and the voters shall vote for or against its approval. The voters cast on the question shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State as provided by law in the case of General Elections. The qualifications of voters voting on the question shall be the same as those required for participation in General Elections. All laws applicable to General Elections shall apply to the determination of the approval or rejection of this Act. The cost of the election shall be paid by Cocke County.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 3, it shall be effective upon becoming a law, but for all other purposes the provisions of the Act shall be effective only upon being approved as provided in Section 3.

Passed: January 24, 1980.

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