



July 22, 2024

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# Chapter IX - Highways and Roads

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# Chapter IX - Highways and Roads

## Road Law

### Private Acts of 1986 Chapter 108

**SECTION 1.** Chapter 145 of the Private Acts of 1955, and all acts amendatory thereto, are expressly repealed in their entirety.

**SECTION 2.** The provisions of this Act shall not be construed or have the effect of removing or abolishing the powers and duties (sic) the incumbent highway commissioners prior to August 31, 1986.

**SECTION 3.** The office of highway superintendent for Cumberland County is hereby created, who shall be elected by popular vote. The highway superintendent shall be considered the chief administrative officer for purposes of the Tennessee County Uniform Road Law, Tennessee Code Annotated, Title 54, Chapter 7. The election of such highway superintendent shall occur in the general election held in August, 1986, and in the general election every four (4) years thereafter. The term of office for the highway superintendent shall be for four (4) years beginning on September 1 of the year of election.

**SECTION 4.** The salary of such highway superintendent shall be set by the County Legislative Body in conformity with T.C.A. Section 54-7-106.

**SECTION 5.** Upon the abolishment of the highway commission of Cumberland County the highway superintendent shall assume the duties and authority vested in the highway commission, so long as such is not vested in the County Legislative Body by general law.

**SECTION 6.** Vacancies in the office of highway superintendent shall be filled in accordance with general law.

**SECTION 7.** If any provision of this Act or application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect other provisions or applications of this Act, which can be given effect without the invalid provision or application, and to that end, the provisions of this Act are declared to be severable.

**SECTION 8.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of Cumberland County voting in an election on the question of whether or not the Act should be approved held in May, 1986. The ballots used in the election shall have printed on them the substance of this Act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commission and certified by it to the Secretary of State as provided by law in the case of 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.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 8, it shall be effective upon becoming a law, the public welfare requiring it, but for all other purposes, the provisions of the Act shall be effective only upon being approved as provided in Section 8.

Passed: January 29, 1986.

## Highways and Roads - Historical Notes

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

1. Acts of 1839-40, Chapter 150, authorized Moses Thompson to cut and open a turnpike road, commencing at a point in Gordon's turnpike road, in the Grassy Cove in Bledsoe County, thence across Walden's Ridge to descend the mountain between Piney and the head of Van's Spring Creek.
2. Acts of 1859-60, Chapter 89, repealed Acts of 1839-40, Chapter 150, granting to Moses Thompson a charter for a turnpike road. This act grants a 25 year right to the road to William R. S. Thompson who was authorized to begin the road at a point on Worthinton S. Graves Turnpike Road in the Grassy Cove Community in Cumberland County and proceed across Walden's Ridge on the most direct and practical route to Rhea County.

3. Acts of 1901, Chapter 136, was perhaps the first statewide road law which established a pattern for most of those which followed even though some form of general road legislation had been on the books since the 1820's. The County Courts of the state's counties would select a road commissioner from each road district coextensive with the civil districts who would take an oath, make bond, serve for two years, and would have general supervision over all public roads and overseers in his district. The duties of the Courts, the Commission, the Chairman of the Commission, the Secretary of the Commissioners, and others connected to road departments were specified in the Act. All males, age 21 to 45, were required to work on the roads the number of days set by the County Court, under the immediate supervision of overseers who were appointed by the district commissioners. Prisoners were also made available to work the highways. Some specifications for roads and the mechanics of opening, closing, and changing roads were included. The county court could designate the roads to be worked under contract, and could levy a tax for road purposes. This act was the subject of a court suit in the case of Carroll v. Griffith, 117 Tenn. 500, 97 SW 66 (1906).
4. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor areas, but primarily in the procedures to open, change, or close a road by broadening the notices required, and by giving the landowner subject to eminent domain procedures an easier road to travel.
5. Private Acts of 1911, Chapter 352, made it possible for any five or more people in the county to obtain a Charter from the State under the mode now pointed out by law to build roads to be called traction engine roads over which to run traction engines for the purpose of hauling freight, lumber, logs, cross-ties, and all other sorts of general freight for profit. The power or eminent domain was conferred upon these companies, and it was a misdemeanor for anyone to use these roads, after they were built, without the consent of the owner.
6. Private Acts of 1915, Chapter 362, created a three member Board of Highway Commissioners to carry out the provisions of this Act authorizing a bond issue to construct certain roads.
7. Private Acts of 1917, Chapter 537, was a road law for Cumberland County. The County and Circuit Judges, and the Chancellor of the District would appoint 3 Road Commissioners who would initially serve two, four, and six year terms. Their successors would serve six year terms. Commissioner qualifications were set up and their duties specified which included the general oversight, management, and control of all public roads and bridges in the county. They would organize, select a Chairman, promulgate rules and regulations, and employ a Road Supervisor who also required to meet certain standards, to make oath and bond, who would devote full time to his duties and be responsible for the execution of all the road programs. He would act as Secretary to the Commissioners, keep records, be responsible for tools and equipment, work the jail prisoners as the law permitted, and perform such other duties as directed. The procedures to open, change, or close a road were stated and males, 21 to 45, must work five days a year or commute at the rate of seventy five cents for each day.
8. Private Acts of 1919, Chapter 748, set up a County Supervisor of Roads at a maximum salary of \$5 daily. His term was for two years, or until his successor was elected by the County Court; he must be at least 25 years of age, have a fair common school education and be experienced in road work. His bond was set at \$5,000. The District Supervisors for each District, elected by the County Court, would appoint overseers whose pay the County Court would set, who would be under \$2,000 bond and keep records of all money received and spent which would be open to inspection at all times. County prisoners could be worked on the roads as well as all males outside cities, age 21 to 50, would work five days, or commute at \$1.50 a day. The County Court could levy a tax of not less than ten nor more than twenty-five cents per \$100 property valuation. Procedures were established for opening, closing, and changing roads, and to condemn property for road purposes. Carriers were also subject to road duty but could commute at a higher rate. All road funds would be apportioned to the districts. This Act was repealed specifically by Private Acts of 1939, Chapter 411.
9. Private Acts of 1921, Chapter 849, authorized the appointment by the County Judge, the Circuit Judge and the County Court Clerk of three commissioners to serve as the Road Commission. They would serve three year terms and would be paid \$4 per day plus expenses, be between 25 and 65 years of age, of good moral character and who would take and sign a written oath. Their powers and duties were specified. They could employ the Road Supervisor at \$4 daily and the District Supervisors at \$3 a day. Males outside cities were subject to work 10 hour days for five days. The tax rate for road purposes was from fifteen cents to twenty-five cents per \$100 property valuation. The act required one to purchase a license for the privilege of using the roads for commercial purposes according to a rate schedule in the law. The Trustee would keep the money and the records. This Act was repealed by Private Acts of 1935, Chapter 382.

10. Private Acts of 1923, Chapter 482 amended Private Acts of 1921, Chapter 849, to authorize the Board of Road Commissioners to expend funds to maintain roads radiating from the county site to the county lines and to promulgate rules for preserving the roads from damage due to heavy vehicles.
11. Private Acts of 1927, Chapter 157, repealed Section 7, Private Acts of 1921, Chapter 849, the Road Law for Cumberland County which was the Section requiring the privilege license for using the roads.
12. Private Acts of 1929, Chapter 209, amended Private Acts of 1921, Chapter 849, in Section 2 by removing the upper age limit for the Road Commissioners which was specified as 65 years of age in the law.
13. Private Acts of 1931, Chapter 92, amended Private Acts of 1921, Chapter 849, Cumberland's Road Law, by changing "County Court Clerk" in Section 1 to "Clerk and Master" and by requiring the County Judge to keep a record of the appointments to the Board of Road Commissioners all of which shall be open to inspection and all vacancies on the Commission shall be filled in thirty days. In Section 2, the Chairman of the Board shall be under \$10,000 performance bond. The Road Commission shall make a monthly report to the County Judge on the warrants drawn on each road fund and the purpose for which it was spent.
14. Private Acts of 1935, Chapter 382, expressly repeals Private Acts of 1921, Chapter 859. (The caption stated Chapter 849 which is the correct Act). This Act provided for the election by popular vote of one Road Commissioner. The Commissioner would appoint a secretary at no more than \$60.00 per month and his monthly salary could not exceed \$125. The Commissioner's bond was set at \$10,000 and the secretary's at \$2,500, Financial reports would be submitted to the County Court every quarter by the Commissioner who would have general oversight, management and control of the roads and bridges. He could make contracts for the roads and make purchases up to \$500. He would also dispense all road funds after receiving them from the Trustee. The Road Commissioner appoints the road overseers who will be paid no more than \$1.50 per day and exercise only such authority as the Commissioner delegates. Males between 21 and 45 were required to work as the County Court decided or commute under such terms as the court established. Some penalties for violations or failures to comply were fixed. This Act was repealed by Private Acts of 1937, Chapter 155.
15. Private Acts of 1937, Chapter 810, stated that the city of Crossville proposed to construct a lake for their water supply and for those adjacent parts of the county and for such a project to be carried out it was necessary to construct a road to make the lake accessible to the citizens by connecting it with the Lantana Road, the act authorized the Road Officials of the county to exceed their anticipated revenues in order to build the road and to borrow money up to \$5,000 a year and at interest rates of 6% or less. The County Judge was directed to honor the road officials requests for funds when they were within these limitations.
16. Private Acts of 1939, Chapter 412, created a County Road Commission of three members, one from each of the three Road Districts which were composed of whole civil districts enumerated in the Act. Floyd Wilson, Buck West, and T. R. Tollett were named as the first Commissioners to hold office until September 1, 1940 when their elected successors would take office for two year terms. The Commission would meet once a month in a room at the Courthouse, receive \$4 per day for their services, and they could not be a member of the County Court or interested in any of the road department's business affairs. The Commission had general jurisdiction over the roads and bridges, and supervision of the funds coming to the road department. They could appoint foremen at \$3 a day for which they were declared eligible, could purchase on bid and award contracts, could employ an engineer and skilled workmen, work prisoners, and contract with the State or Federal governments. The Commissioners must reside in the zone they represent and be between 25 and 65 years of age. They may have the use of a pick-up truck and be furnished oil and gas while in the discharge of their duty.
17. Private Acts of 1951, Chapter 37, amended Private Acts of 1939, Chapter 412, in Section 5 by setting the pay of the Road Commissioner at \$200 per month but they would be paid only for actual days worked; by providing in Section 11 that the Road Commission could appoint as many Road Foreman as necessary. The Commission was allowed to employ a full-time secretary-bookkeeper who would keep financial records.
18. Private Acts of 1955, Chapter 145, established a County Road Commission composed of five members to manage the public road system of the county not part of the state highway system. County Road Commission was given the power to employ a County Road Superintendent under contract for up to two years. The act was approved by referendum. With its amendments, it was

- the basic road law for Cumberland County until it was repealed by Private Acts of 1986, Chapter 108.
19. Private Acts of 1955, Chapter 146, repeals Private Acts of 1939, Chapter 412, provided this Act was approved by a majority of voters in a referendum held for that purpose. The act makes it incumbent upon the election officials of the county to call for the election within 15 days after the Governor signed this Bill, and to hold the same between 20 and 40 days of the call. This Act was properly approved.
  20. Private Acts of 1961, Chapter 150, amended Private Acts of 1955, Chapter 145, by raising the limit on the maximum compensation of the clerk from \$3,000 to \$3,600 per annum. This Act was not approved by the local authorities and never became operative law.
  21. Private Acts of 1965, Chapter 72, amended Chapter 145 of the Private Acts of 1955 by increasing the compensation of the Clerk for the County Road Commission from \$3,000 to \$4,000 annually and similarly to increase the annual salary of the Road Superintendent from \$6,000 to \$8,000. The act received local approval.
  22. Private Acts of 1970, Chapter 196, purported to amend Private Acts of 1955, Chapter 145, by increasing the compensation of Commissioners from \$10 to \$50 per meeting and raising the yearly limit from \$150 to \$750 per commissioner. The compensation of the Clerk was increased from \$3,000 to \$4,600 per annum. This Act was not approved at the local level and therefore did not become effective.
  23. Private Acts of 1971, Chapter 121, amended Chapter 145 of the Private Acts of 1955, by increasing the annual compensation of the Clerk of the County Road Commission from \$4,000 to \$6,000. The act also increased the compensation of members of the Road Commission for each meeting from \$10 to \$15; increased the cap on the annual meeting compensation from \$150 to \$225. Also, the act redistricted the road districts from which Road Commissioners were elected for 1972 and subsequent elections. The act received local approval.
  24. Private Acts of 1976, Chapter 229, amended Chapter 145 of the Private Acts of 1955, as amended by Chapter 121 of the Private Acts of 1971, increased the compensation of Road Commissioners for attending meetings to \$25 per meeting with a cap on annual compensation of \$450. The act received local approval.
  25. Private Acts of 1977, Chapter 131, amended Private Acts of 1955, Chapter 145, so as to increase the annual salary of the Clerk for the County Road Commission from \$6,000 to \$9,000. This Act did not receive local approval and never became effective.

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