



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IX - Highways and Roads

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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Chapter IX - Highways and Roads

Road Law

Private Acts of 1945 Chapter 587

SECTION 1. That counties of this State having a population of not less than 10,250 nor more than 10,275, by the Federal Census of 1940, or any subsequent Federal Census, shall constitute one entire district, to be in charge of a Road Supervisor, who shall be the principal executive official thereof. D. C. Davis is hereby named to the office of Road Supervisor hereby created and shall hold said office, perform said duties thereof and be paid the salary herein prescribed until the next quarterly meeting of the County Court of said County, or until a successor is named and qualified. At the regular August Election 1950, the Road Supervisor shall be elected by the qualified voters of counties to which this Act applies and shall take office on September 1 next following his election. His term of office shall be for a period of two years and until his successor shall be elected and qualified; and election shall be held biennially thereafter for such position.

Before assuming office, such Road Supervisor shall take an oath to fairly and faithfully discharge the duties of his office and shall execute and file with the County Judge, a corporate surety bond in a sum not to exceed Five Thousand (\$5,000.00) Dollars, the amount of the bond to be fixed by the County Judge and such bond to be approved by such County Judge. The premium for such bond shall be paid out of the highway funds.

Such Road Supervisor shall be paid a salary of Three Thousand (\$3,000.00) Dollars per annum, payable in equal monthly installments, out of the County highway funds in the hands of the County Trustee. In addition thereto, said Road Supervisor shall be allowed to expend not exceeding Two Thousand Four Hundred (\$2,400.00) Dollars per annum for a Secretary and Bookkeeper, such sum to be paid in equal monthly installments to the person designated and appointed by him as Secretary-Bookkeeper, to be paid out of the County highway funds.

As amended by:

Private Acts of 1949, Chapter 903

Private Acts of 1959, Chapter 271

Private Acts of 1971, Chapter 156

SECTION 2. That it shall be the duty of the Supervisor in counties to which this Act applies, to efficiently construct, maintain and operate the Road System in such counties; and it shall be his duty as early as weather conditions permit and funds available will allow, to begin the work of maintenance and repair of the roads in his County and to continue the same as long as necessary and permitted by available funds. Such Road Supervisor shall have full and complete authority to employ such labor and skilled mechanics as he may need but the compensation payable by him for such labor and help shall not exceed the compensation paid by the State Highway Department in such county for similar services. Such Supervisor shall keep a time book of the hours of labor worked by each person so employed by him and for the purpose of paying such person for labor, and other necessary expenditures, may issue warrants drawn upon the road funds of said County, which warrant shall be drawn on the County Trustee. Any Road Supervisor who issued a fraudulent warrant shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars, and imprisoned for not less than sixty (60) days nor more than six (6) months in the County Jail.

As amended by:

Private Acts of 1971, Chapter 159

Private Acts of 1985, Chapter 98

Private Acts of 1985, Chapter 100

Private Acts of 1991, Chapter 123

SECTION 3. That all applications to open, discontinue and change roads shall be made to the Road Supervisor. In addition thereto, such Road Supervisor, by and with the approval of the Quarterly County Court shall have the power, upon his own initiative, to open, discontinue and change roads.

For the purpose of more effectively making practicable such changes in the roads, the County, acting through the Supervisor, shall have and possess the power of eminent domain which shall be exercised in the following manner:

Whenever the Road Supervisor and by the approval of the Quarterly County Court shall be of the opinion that a change or alteration in the present system of roads shall be necessary, he shall give notice to the landowner affected of the location of such proposed change and of the date upon which a jury of view will be summoned to view the proposed change and to award damages. He shall likewise file a copy of such notice in writing with the Sheriff of counties to which this Act applies and thereupon the Sheriff shall

appoint a jury of view of five (5) members to go upon and examine the premises and to assess the damages occasioned to the landowner by such change. The award of such jury of view shall be made in writing and filed with the County Court Clerk and all damages and costs awarded under this Act shall be and become a charge against the general funds of counties to which this Act applies. Any person aggrieved by the action of the jury of view herein provided may within ten (10) days after the filing of said report by the jury of view with the County Court Clerk, appeal therefrom to the next term of the County Court of said County by giving security or executing the pauper's oath as required by law; and from the action of the Quarterly County Court an appeal lies to the next term of the Circuit Court of said County, either party being entitled to get a jury upon his or her application at the hearing in such Circuit Court.

In addition to the right to condemn land for the purpose of changes in existing roads, such county is given the power of eminent domain with respect to borrow pits, gravel pits, sand banks and other material deemed necessary as essential in the construction of roads. The procedure in case of condemnation thereof shall be the same as that provided by the general statutes of Tennessee for the exercise of eminent domain of public corporations, the procedure herein provided being merely alternative rather than exclusive. The Road Supervisor herein named shall have and exercise full and complete control over all bridges forming a part of the County Highway System and such bridges shall be treated as a part of the Road System for the purposes of this Act.

SECTION 4. That the Legislature hereby declares that the provisions of this Act are severable and if any part thereof be unconstitutional, the Legislature expressly declares that it would have enacted this Act with such unconstitutional Section elided therefrom; and that all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 2, 1945.

Road Supervisor

Private Acts of 1967 Chapter 75

SECTION 1. In addition to his duties as chief executive officer of the Decatur County road system, the County Road Supervisor shall have and exercise, ex-officio, the responsibility of county engineer, with the duty of inspecting and supervising the maintenance of county buildings and property and exercising general supervision over the construction of county buildings or other structures. As compensation for the ex-officio duties imposed upon him by this Act, the Road Supervisor shall be paid two thousand dollars (\$2,000) a year.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Decatur County at or before the next regular meeting of the Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the Court and certified by him to the Secretary of State.

SECTION 3. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 6, 1967.

Highways and Roads - Historical Notes

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

1. Acts of 1901, Chapter 136, was a statewide road law applicable to all counties under 70,000 in population. The Quarterly Court would select a Road Commissioner from each Road District which were co-extensive with the Civil Districts of the county, who would have supervision over the roads, culverts and bridges in that District. They would be sworn, bonded, and serve for two years. The court would further assign road hands to the area, decide upon the number of work days for the hands to work which could be no less than five nor more than eight days per year, and would also decide the amount to be allowed for one day's work for a wagon and team. The Quarterly Court would also levy a tax of two cents per \$100.00 property valuation for each day of work they placed upon the road hands. The Road Commissioners would name the Road Overseers for their district who would work out the required number of days as everyone between 21 and 45 would, and then be paid \$1.00 per day, not to exceed \$6.00 in one year. Prisoners

- could be worked on the roads under certain conditions, and all males outside of cities between 21 and 45 years of age. Some road specifications were included and the roads had to be classified according to their width, use by the public, and paving materials. Petitions to open, close, or change roads were to be received, heard, and disposed of by the Commission which was given the power of eminent domain to be used, when necessary, to effectuate the intents and purposes of this act. This act was among those considered by the court in the case of Carroll v. Griffith (1906), 117 Tenn. 500, 97 S.W. 66.
2. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but primarily in the procedures to be followed in condemnation proceedings.
 3. Private Acts of 1917, Chapter 730, was a Road Law for Decatur, Hancock, Cheatham, and Cannon Counties. The act provided for a three member Board of Public Road Commissioners, one of whom would be the Road Superintendent, and one of whom would be the Assistant Road Superintendent, all of whom would be elected for two year terms by the Quarterly County Court. The Superintendent would be paid \$800.00 per year, and the assistant would get \$2.00 per day, up to \$100.00 per year, and the third member would be paid \$2.00 a day up to \$50.00 per year. The Superintendent was required to devote full time to his office. Laborers on the road would be paid, or credited, with \$1.25 per day, and teams and wagons furnished would get \$2.50 per day. The Board would lay off, classify, and map the regular roads of the county. All males, outside of cities between the ages of 21 and 45 must work six, 8 hour days on the roads or pay \$3.00 as a commutation fee. The Quarterly Court would also levy a special road tax on the residents of the county. The Board would hear and dispose of petitions to open, close, or change a road, and, if eminent domain proceedings were necessary, to adhere strictly to the provisions of both local and State law regarding the same.
 4. Private Acts of 1919, Chapter 426, created a three member Highway Commission in Decatur County, naming J. H. Stout, as Chairman, and H. J. Fry and W. R. Dennison, as members, of the same to serve until others were elected for two year terms in the next general August election. Members would be paid \$3.00 per day spent on the Commission's business up to \$125.00 per year, and the member selected as Secretary would receive up to \$240.00 a year. The commission could hire an engineer at \$125.00 per month whose duties were enumerated in the act. Accurate records were required to be kept concerning the cost and use of materials and machinery. The commission could also employ Road Supervisors from each District who would inventory all the roads in the District and make a roster of all road hands. Over-seers would be paid after working out the allotted time. The Commission would further handle all the petitions to open, close, or change, roads, following the procedures outlined in the act very closely. The court would levy a minimum road tax of 40 cents per \$100.00 to finance the programs and all males outside of cities between the ages of 21 and 50 would work seven days on the roads or pay \$6.00. Penalties were provided for anyone failing to comply with the dictates of this act. It was declared unlawful for an auto to cross a bridge at a speed greater than 4 miles per hour.
 5. Private Acts of 1935, Chapter 529, stated that the Department of Highways and Public Works of the State of Tennessee shall have and exercise full control, direction, and supervision of the expenditure of all funds received by Decatur County for road purposes from the State and from all sources whatever. The said funds shall be expended upon the roads of the said county and a report submitted to the County Judge, or Chairman, of all receipts and expenditures in connection therewith.
 6. Private Acts of 1957, Chapter 325, created two Road Districts in Decatur County which were composed of whole Civil Districts. Commissioners would be elected in each District for two year terms, vacancies to be filled by the Quarterly Court. The salary of the Commissioners was set at \$2,400 per year and they would serve as foreman and timekeeper for their area. A Clerk for the Commissioners would be selected by the Quarterly Court at an annual salary between \$1,800 and \$3,000. All road funds would be divided equally between the two Districts. The Clerk, who would be bonded for \$10,000, would keep all the records. This act was rejected, and therefore, nullified, by the Quarterly County Court of Decatur County.
 7. Private Acts of 1961, Chapter 196, amended Private Acts of 1945, Chapter 587, in Section One, by increasing the salary of the Secretary-Bookkeeper from \$1,200 to \$1,800 per year, and in Section 2 by limiting the authority of the Road Supervisor to make purchases to amounts of \$100, or less, all others to be made by the purchasing agent of the county. This act was not approved by the Quarterly Court of Decatur County, and therefore never became effective because of the provisions of the Home Rule Amendment to the State Constitution.

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