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Road Law

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,

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

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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.

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