



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Road Law

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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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Road Law

Private Acts of 1961 Chapter 194

SECTION 1. That there is hereby created and established a system of county roads for Wilson County. A County Road Commission for said county is hereby created and established and vested with general control and management of the system of county roads for said county. Said County Road Commission shall have general control over the location and relocation, construction, reconstruction, repair and maintenance of said county road system and the county roads of said county.

This Wilson County Road Commission shall consist of the county judge and four (4) Commissioners, elected by the Quarterly County Court from among the members thereof as hereinafter provided. One of the Commissioners shall be a justice of the peace from and shall reside in either the First, Second, Third, Fourth, Fifth, or Sixth Civil District of the County; one of the Commissioners shall be a justice of the peace from and shall reside in either the Seventh, Eighth, Ninth, Tenth, Eleventh, or Twelfth Civil District of the County; one of the Commissioners shall be a justice of the peace from and shall reside in either the Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth or Nineteenth Civil District of the County; and one of the Commissioners shall be a justice of the peace from and shall reside in either the Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fourth, or Twentyfifth Civil District of the County.

The Quarterly County Court of Wilson County shall have the right to reapportion the road commission zones and to designate the voting districts comprising each road commission zone.

At the July 1974 term, and every four (4) years thereafter, the Quarterly County Court shall elect, by a majority of the justices present and voting in said election, a commissioner from the 3rd-4th-17th-18th-23rd-24th and 25th Voting Districts, for a term of four (4) years, to take office on September 1, 1974 and to serve through August 31, 1978, or until his successor is duly elected and qualified.

At the July 1975 term and every four (4) years thereafter, the Quarterly County Court shall elect, by a majority of the Justices present and voting in said election, a commissioner from the 9th-10th-11th-12th-13th and 14th Voting Districts, for a term of four (4) years, to take office on September 1, 1975 and to serve through August 31, 1979, or until his successor is duly elected and qualified.

At the July 1976 term, and every four (4) years thereafter, the Quarterly County Court shall elect, by a majority of the Justices present and voting in said election, a commissioner from the 5th-6th-7th-19th-20th and 21st Voting Districts for a term of four (4) years to take office on September 1, 1976 and to serve through August 31, 1980, or until his successor is duly elected and qualified.

At the July 1977 term, and every four (4) years thereafter, the Quarterly County Court shall elect, by a majority of the Justices present and voting in said election, a commissioner from the 1st-2nd-8th-15th-16th and 22nd Voting Districts, for a term of four (4) years, to take office on September 1, 1977 and to serve through August 31, 1981 or until his successor is duly elected and qualified.

The County Judge shall be ex-officio Chairman of the Road Commission, shall preside at all regular or special meetings of the Commission, and shall be entitled to vote on matters decided by the Commission.

Before entering upon the discharge of their duties as Road Commissioners, the Road Commissioners and their successors in office shall each take and subscribe to an oath in writing before the County Court Clerk of Wilson County, for the faithful discharge of their duties as Commissioners, and each Commissioner shall enter into a bond in the amount of One Thousand Dollars (\$1,000.00), for the faithful discharge of his duties and for the accounting of all monies and property coming into his hands in his official capacity. The premiums of said bonds shall be paid out of the Road Fund of the County in the same manner as other disbursements are made. In case of a vacancy in the office of said Road Commissioner at any time, the same shall be filled by the Quarterly County Court in the manner hereinbefore prescribed.

As amended by: Private Acts of 1974, Chapter 181
Private Acts of 1978, Chapter 211

SECTION 2. That the County Road Commission shall meet at the county seat of the county at least once a month, but special meetings of the Road Commission may be held on call of the chairman whenever in his opinion such meetings are necessary to carry out the functions of the Road Commission.

Each Commissioner shall be paid a sum equal to the per diem paid to a member of the Quarterly County Court for each day's attendance at regular or special meetings of the Commission, such payments to be made out to the Road Fund of the County in the same manner as other disbursements are made. The

chairman of said Road Commission shall be paid a sum each month equal to three (3) times the per diem paid to a member of the Quarterly County Court of Wilson County for his services as chairman.

As amended by: Private Acts of 1973, Chapter 149

SECTION 3. [Deleted by Private Acts of 1975, Chapter 88.]

SECTION 4. That the County Road Commissioners composing said County Road Commission shall have jurisdiction to direct the expenditure of all road funds belonging to said county, including the proceeds of the State gasoline tax allocated to Wilson County. It shall be the duty of said Commission, with the assistance of the State Highway Department, to classify the roads of the county according to the amount of traffic each bears and the number of people it serves. After said roads have been classified, said Commission shall present to the Quarterly County Court at the January term, for its approval, a long-range construction, maintenance and improvement plan for said road system. Prior to the beginning of each fiscal year, said Commission shall present to the Quarterly County Court for its approval, the portion of the overall plan to be executed during the ensuing fiscal year, and the Commission shall be authorized to spend money for construction, maintenance and improvement only in accordance with said approved plan. Said plan shall include all roads to be constructed under the State Rural Road Program and the Federal Farm to Market Road Program. It shall be the duty of the County Judge to represent the Quarterly County Court with respect to said road plans and their execution when the Court is not in session.

Subject to the foregoing provision, said County Road Commission shall have general control over the laying out, construction, reconstruction, repair and maintenance of all county public roads and bridges in said county, except such roads and bridges as are under the supervision and control of the Department of Highways and Public Works of the State of Tennessee. It shall be the duty of said Commission to determine the total number of employees of said Commission, to establish classification, and to determine the range of salary and wage to be paid according to the classification. The compensation fixed by the Commission shall be in keeping with the compensation paid for similar services in Wilson County and surrounding counties. The personnel classification and compensation schedules, when fixed by the Commission, shall be entered of record on its minutes, and the same shall not thereafter be changed except by action of the Commission. It shall be unlawful for the Commission to use its power to classify employees and fix their compensation so as to defeat the purpose and intent of this law to vest in the County Road Superintendent full power and authority to employ, fix wages and salaries within the salary and wage range, of all persons provided for in said classifications and schedules.

Said Commission is hereby vested with the power and authority to let contracts for the construction and reconstruction of county roads and bridges, if a majority of the said Commission deems the same advisable and advantageous, but such contracts will only be let upon competitive basis and after giving at least twenty days written notice of the same by advertisement in a newspaper of general circulation published in said county, calling for sealed bids therefor, to be opened at a fixed date and place at a meeting of said Commission, in the presence of a majority of said Commissioners, and the same shall be awarded to the lowest bid, if satisfactory, but if unsatisfactory, they may reject all bids, and thereupon new bids may in like manner be called for and received, opened and awarded in the manner herein provided. Said County Road Commission shall have authority, and it shall be its duty upon request of the County Road Superintendent within the financial limits herein fixed, to purchase all necessary supplies, materials, machinery and equipment for carrying on the construction, repair and maintenance of said county public roads; provided, however, that no purchase aggregating in excess of One Thousand Dollars (\$1,000.00) shall be made or the contract therefore entered into until after due advertisement of the same shall have been made at least once in some newspaper of general circulation published in said county, setting forth the amount, quality and description of such materials, machinery, supplies and/or equipment desired, and the time within which written and sealed bids for the same shall be opened. Said bids shall be opened in the presence of the members of said County Road Commission or a majority thereof. Such contract of purchase shall be awarded to the lowest bidder, except where the lowest bid is deemed unsatisfactory, in which event all bids may be rejected, and bids again advertised for and received, opened and awarded in the manner above provided.

In the event that there is a disagreement as to whether the bids as provided in this section of this Act shall be accepted, either as to the letting of contracts for the construction of roads or bridges or for the purchase of materials, machinery, supplies and equipment, the decision of a majority of the County Road Commissioners shall control.

It shall be the duty of the Secretary of the County Road Commission to keep a public record of all bids, the names of the bidders, and the amounts of the respective bids, which record shall be open for inspection by any citizen or taxpayer of said county, upon a reasonable request made therefor. Said record shall be kept in the office of the Secretary of the County Road Commission.

SECTION 5. That the County Road Commission is authorized to employ a qualified person to act as Secretary of the County Road Commission to serve at the pleasure of the Commission. The Secretary of the County Road Commission shall receive a salary to be fixed by the Commission. Said Secretary shall furnish a surety bond in the penal sum of Five Thousand Dollars (\$5,000.00), conditioned as prescribed by law for county officials, with the premium for said surety bond to be paid out of county road funds.

The Secretary shall keep accurate books, showing itemized statements of all road revenues and expenditures and such books shall be open to the inspection of the public upon reasonable requests therefor.

The Road Superintendent is hereby authorized and empowered to employ such additional clerical help from time to time, as he deems necessary and proper, to efficiently carry on the business of said Commission.

In the event of suits or litigation by the County Road Commission, they are hereby authorized and empowered to employ an attorney or attorneys to represent said Commission and to defend it in all litigation, and the legal services so rendered by an attorney or attorneys shall be paid by said County Road Commission out of the County Road Funds of said county, upon appropriate warrants drawn thereon.

As amended by: Private Acts of 1967-68, Chapter 19
Private Acts of 1971, Chapter 51
Private Acts of 1974, Chapter 163
Private Acts of 1975, Chapter 27

SECTION 6. That the Secretary of said County Road Commission shall issue warrants, countersigned by the Chairman of the County Road Commission, drawn on the County Trustee, for the payment of all materials, machinery, supplies and equipment purchased, for all salaries and wages owing, and for the payment of all construction contracts and for all other indebtedness incurred and owing by said County Road Commission. That said warrants shall be accompanied by a statement of the time for which the payment is made and the amount thereof, and if for materials, equipment, supplies, etc., a brief statement of what the same is given for.

SECTION 7. That the County Road Commission is authorized to employ, for a period of not less than one year nor more than four years, a County Superintendent of Road, to direct the work on the roads, supervise the employees, and be responsible for the operation and care of the machinery and equipment of the Commission. Said Superintendent shall be a person who is at least thirty (30) years of age and a resident citizen of Wilson County. Said County Superintendent of Roads shall supervise the construction and maintenance of the County Roads in accordance with the general instructions and directions of the County Road Commission, but said Superintendent shall at all times be in full charge of the particular manner in which the general instructions of the Road Commission are executed. The Superintendent shall have full and complete authority to hire all of the personnel of said County Road Commission, without accounting to said Commission for his actions. It shall be unlawful for any member of the Commission to undertake to influence the County Road Superintendent or to control him in the hiring and firing of employees. The Superintendent shall receive a salary to be fixed by the Commission, which shall not be less than Seven Thousand Five Hundred Dollars (\$7,500.00) a year and not more than Ten Thousand Dollars (\$10,000.00) a year.

Before entering into the duties of his office, the Superintendent shall take and subscribe to an oath in writing before the County Court Clerk that he will perform with fidelity the duties of his office, and he shall enter into a bond in the amount of Ten Thousand Dollars (\$10,000.00), for the faithful discharge of his duties and for the accounting of all monies and property coming into his hands in his official capacity. The premium for said bond shall be paid out of the county road fund.

Said Commission is authorized to contract for the services of civil engineers upon recommendation of the Superintendent as such may be necessary in discharging the functions of the Road Commission.

As amended by: Private Acts of 1971, Chapter 51
Private Acts of 1974, Chapter 164

SECTION 8. That the County Road Commission shall keep minutes of all of its meetings. That such minutes shall be kept in a well bound Minute Book to be purchased and kept by it. That the minutes of each official meeting of said Commission shall be written in said Minute Book by the Secretary of the County Road Commission, and at each subsequent regular meeting the minutes of the previous meeting shall be read, and if found correct, approved, and if not correct, they shall be corrected and then approved in writing by the Chairman and the Secretary of said Commission.

SECTION 9. That the County Road Commission, or any member thereof, or the Superintendent shall not authorize or knowingly permit the trucks or road equipment, the rock, crushed stone or any other road materials to be used for any private use or for the use of any individual for private purposes and their or his failure to see that this provision is enforced is hereby declared to be a misdemeanor, punishable by a

fine of not less than \$5.00 nor more than \$50.00, in the discretion of the Court trying such misdemeanor. Any employee of the County Road Commission who shall use any truck or any other road equipment or any rock, crushed stone or other road material for his personal use, or sell or give away the same shall be immediately discharged. No truck or other road equipment or any rock, crushed stone or any road material shall be used to work private roads or for private purposes of owners thereof. The use of any trucks or any other road material of the County Highway Commission for other than official county road purposes, as herein provided, is hereby declared to be a misdemeanor, punishable by a fine of not less than \$5.00 nor more than \$50.00, in the discretion of the Court trying such misdemeanor. Each separate use of the same for other than official county road purposes shall constitute a separate offense and be subject to separate fine. Provided, however, that crushed stone, gravel and other road material may be furnished by the Commission to churches, schools and cemeteries. Any person whose property is improved by having road material placed thereon in violation of this provision shall be liable to suit for the value of said improvement and a penalty equal to One Hundred Percent of the value of said improvements, to any person who shall sue therefor for the benefit of the County and himself, the value of the improvements to go to the County and the penalty to go to the person suing.

SECTION 10. That when said County Road Commission deems it necessary to do so in order to properly carry out the work and construction on the public roads and public road system, as provided for in this Act, said Commission is hereby authorized and empowered to institute condemnation proceeding for the purpose of condemning land for rights-of-way and other road purposes, of condemning chert beds, rock quarries, gravel beds or other road building material necessary for the construction, reconstruction, repair and maintenance of the public roads in said county. Provided, however, that no such condemnation proceeding shall be instituted involving expenditures in excess of revenues for the current year. Said condemnation proceedings shall be instituted in the manner provided by law for the condemnation of land and property for public purposes under the laws of eminent domain of the State of Tennessee. The damages assessed against Wilson County or against said County Road Commission shall, in all such cases, be paid out of the county road funds of said county by warrants drawn upon the County Trustee of said county road funds in the same manner that other warrants are drawn for county road expenditures, as herein provided.

SECTION 11. That the County Road Superintendent shall have the supervision, charge of and exclusive control over all road machinery, supplies and equipment owned by the county or used in the construction, reconstruction, repair and maintenance of the county public roads and bridges in said county, as well as over all tools, supplies and other equipment owned by said Commission or by said county for county highway purposes. That the County Road Superintendent shall make or have made a complete inventory of all of the machinery, equipment, tools, supplies and road materials and file a copy thereof with the County Court Clerk of Wilson County within thirty (30) days after taking office. Said machinery, equipment and tools shall be plainly marked as the property of the Wilson County Road Commission, and each piece shall be numbered and the number entered on the inventory filed by the County Court Clerk. Thereafter, on the 15th day of September of each year, he shall again make and file a complete inventory of all the same with the County Court Clerk of said County. It shall be the duty of the County Judge to examine the inventories for compliance with this provision and upon his determination that the inventory does not comply with the requirements of this section, he shall notify said Commission, and said Commission shall withhold any compensation payable to the County Road Superintendent until the County Judge certified compliance with this section. Should the County Road Commission see fit to sell any machinery, equipment or tools as obsolete, worn out, or for any other reason, the same shall only be sold on the unanimous action of the Commission at public auction after advertisement as required in cases of execution sale of personal property.

SECTION 12. That each calendar year shall be divided into quarterly periods, the first quarter being from January 1 to March 31; the second quarter from April 1 to June 30; the third quarter from July 1 to September 30, and the fourth quarter from October 1 to December 31 of each and every year.

The County Road Commission is hereby expressly forbidden to expend any road funds or to incur any obligations in excess of the road revenues and receipts for the current quarter and the surplus thereof carried forward from previous quarters or to encumber any anticipated road revenues, except those accruing during the current quarter. Provided that, in case of an emergency, said County Road Commission, with the approval of the Quarterly County Court of Wilson County, expressed by roll call vote with the vote of each member recorded, voting at a meeting of such County Court, and representing a majority of the members of said Court, may purchase road equipment, machinery, supplies or materials on the installment plan and encumber anticipated revenues for such purposes, only as authorized by the Quarterly County Court.

The County Road Commission is hereby authorized and empowered to set aside a part of the current revenues of each quarter or quarterly period into an emergency fund to be used for the purchase of tools,

machinery, supplies or other equipment, or for other emergency purpose, and such funds or reserves so created and established may be used by the County Road Commission for such purposes for such emergency. Such emergency fund may be allowed to accumulate and be expended either during the current quarter or any subsequent quarter or quarterly period.

SECTION 13. That neither any County Road Commissioner, the County Road Superintendent, nor any employee of said County Road Commission shall be financially interested in or have any personal interest, either directly or indirectly, in the purchase of any supplies, machinery, materials, or equipment for said department or system of roads for said county, nor in any firm, corporation, partnership, association or individual selling and/or furnishing such machinery, equipment, supplies and materials, nor shall the County Road Commission, the County Road Superintendent or any employee thereof accept or receive, either directly or indirectly, from any person, firm, or partnership or association to whom any contract may be awarded, any rebate, gift or other thing in money or thing of value or any promise, obligation or contract for future reward or compensation. The violation of any of the provisions of this section of this Act is hereby declared to be official misconduct and a misdemeanor in office, punishable by a fine of not less than \$10.00 nor more than \$250.00 and removal from office as provided by Sections 8-2701 et seq. of the Tennessee Code Annotated.

SECTION 14. That the County Road Commission shall have the authority, subject to the limitations expressed or implied in Section 4, to contract with any State or Federal agency for which the road funds of the county may be supplemented or augmented or by which additional employees may be employed for road work or road construction or repairs, or whereby additional construction, repair and maintenance may become available, provided that such contract shall not incur any liability to the county above the current road revenues and receipts for the current year.

SECTION 15. That the method and procedure of opening, closing or changing the location and route of any public road in Wilson County, as provided for in the Tennessee Code Annotated shall not be changed or abridged by this Act, but the Tennessee Code Annotated and the general laws of the State of Tennessee shall remain in full force and effect in said county, with reference to the same.

SECTION 16. That the County Road Commission shall submit to each Quarterly Session of the County Court of said county a full and complete report of its activities by mailing each member of the Quarterly County Court, one week in advance of said meeting, a copy of said report, showing in such reports the amounts of road funds on hand at the beginning of the quarter, together with an itemized statement of all amounts expended for labor, machinery, supplies, materials, equipment and other expenditures during such quarter, together with the complete list of all articles purchased, the number of laborers employed and the amount paid each, the number of miles of road constructed, repaired or maintained, or fraction thereof, and where located. If said report is rejected by the Quarterly County Court by resolution setting forth the grounds of rejection, the power of said County Road Commission to expend appropriated funds shall be suspended until the county judge shall file a certificate in the office of the County Court Clerk certifying that the grounds of rejection in said resolution have been met and complied with. It shall be the duty of the County Judge to examine the books, accounts and reports of said County Road Commission at the end of each quarterly period and to make a report thereof to the following session of the Quarterly County Court.

SECTION 17. That before any new road shall be built or the construction thereof begun, the course or route of said road shall first be definitely decided upon and the right-of-way thereof shall be acquired either by contract and purchase with the land owners or by appropriate condemnation proceeding.

SECTION 18. That the County Road Commission shall have the power and authority to remove or cause to be removed any fence, gate or other obstruction from the roads, bridges and ditches of said county and to clean out and clear all fences and ditches along or adjacent to the county roads. If any person shall place or maintain an obstacle or obstruction upon the right-of-way of any road of said county, under the jurisdiction of said Road Commission, and shall refuse to remove said obstruction or obstacle upon the demand of the County Road Commission, such person, for his refusal to so remove the same, shall be guilty of a misdemeanor and punished accordingly by a fine of not less than \$5.00 nor more than \$50.00 to be imposed by the appropriate Court of said county in an appropriate proceeding therefor. It shall be a misdemeanor, punishable as otherwise provided in this Section, to place a post, pole, bush, rock or any other obstruction upon the right-of-way of any county road or in the ditches along such road, provided that transmission lines, telephone or telegraph lines or poles may be placed on and along the right-of-way of any county road, under the direction and with the permission of said County Road Commission.

SECTION 19. That no person shall be eligible for employment in any capacity on the roads of said county or by said Commission, or draw any compensation in any manner whatsoever from the road funds of said county, who is related, within the second degree, either by blood or marriage, to the County Road Superintendent.

SECTION 20. That any person violating any of the provisions of this Act not otherwise specifically provided for shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00).

SECTION 21. That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts thereof be held unconstitutional, invalid or void, the remainder of this Act shall continue in full force and effect, it being hereby declared to be the legislative intent that this Act would have been adopted even if such unconstitutional, invalid or void section, provision or matter had not been included therein. Nothing in this Act shall be construed as interfering with the term or emoluments of office of the present Wilson County Road Commissioners holding office under Chapter 239 of the Private Acts of 1949.

SECTION 22. That this Act shall have no effect unless the same is approved by a twothirds (2/3) vote of the Quarterly County Court of Wilson County at or before the next regular meeting of said Court occurring more than thirty (30) days after its approval by the governor. Its approval or non-approval shall be proclaimed by the County Judge of Wilson County and certified by him to the Secretary of State.

SECTION 23. That Chapter 239 of the Private Acts of 1949, which in substance is an Act establishing a system of county roads for Wilson County, Tennessee and creating a County Road Commission is hereby repealed.

SECTION 24. That this Act shall take effect for the purpose of ratifying it as provided in Section 21 upon passage and approval by the governor, or upon becoming a law without such approval, the public welfare requiring it; for the election of road commissioners at the time of convening of April, 1961 term of the Quarterly County Court of Wilson County; and for all other purposes on September 1, 1962.

Passed: March 3, 1961.

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