



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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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,

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Road Law

Private Acts of 2012 Chapter 43

SECTION 1. Chapter 640 of the Private Acts of 1949; as amended by Chapter 250 of the Private Acts of 1953; Chapter 546 of the Private Acts of 1953; Chapter 239 of the Private Acts of 1953; Chapter 384 of the Private Acts of 1955; Chapter 106 of the Private Acts of 1957; Chapter 14 of the Private Acts of 1965; Chapter 121 of the Private Acts of 1967; Chapter 444 of the Private Acts of 1968; Chapter 23 of the Private Acts of 1971; Chapter 24 of the Private Acts of 1971; Chapter 379 of the Private Acts of 1972; Chapter 176 of the Private Acts of 1978; Chapter 60 of the Private Acts of 1979; Chapter 196 of the Private Acts of 1982; Chapter 33 of the Private Acts of 1995 and Chapter 117 of the Private Acts of 2002; and any other acts amendatory thereto, relative to the Weakley County Highway Commission, shall be repealed at the expiration of the terms of office of all current county highway commissioners.

SECTION 2. The offices of highway commissioner in Weakley County are abolished. Nothing in this act shall be construed as reducing the term of the offices of the current highway commissioners in Weakley County. Such persons shall continue to serve in that capacity and retain all powers and responsibilities of the office until the expiration of the current terms or until such commissioners vacate office, whichever occurs first. In the case of a vacancy in an office of highway commissioner in Weakley County prior to the expiration of such office of highway commissioner, the office shall remain vacant.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Weakley County. Its approval or nonapproval shall be proclaimed by the presiding officer of Weakley County and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.

Passed: April 4, 2012.

Private Acts of 1949 Chapter 640

COMPILER'S NOTE: See Private Acts of 2012, Chapter 43, immediately before this Act.

SECTION 1. There is hereby created and established a County Highway Commission for Weakley County for the purpose of establishing and maintaining a system of public roads. The Weakley County Highway commission shall be composed of three (3) members. Each member shall be elected by the qualified voters from a zone or district comprising three (3) County Commission Districts so long as the county elects the Board of County Commissioners from nine (9) districts. The County Commission Districts shall be grouped into Highway Commissioner Zones as follows:

Zone No. 1 shall be comprised of County Commissioner Districts Nos. 1, 8, and 9..

Zone No. 2 shall be comprised of County Commissioner Districts Nos. 2, 3, and 4.

Zone No. 3 shall be comprised of County Commissioner Districts Nos. 5, 6, and 7.

The members of the Weakley County Highway Commission shall be elected to staggered terms in the following manner:

Zone No. 1: One member shall be elected in the August 2004 general election for a term of six (6) years. Garry Mansfield shall serve as a member of the commission representing Zone 1 from September 1, 2002 until August 31, 2004, or until such time as a successor is duly elected and qualified.

Zone No. 2: One member shall be elected in the August 2002 general election for a term of six (6) years. The member(s) of the commission representing the territory comprising Zone 2 at the time that this Act is approved shall continue to serve until August 31, 2002, or until such time as a successor is duly elected and qualified.

Zone No. 3: One member shall be elected in the August 2006 general election for a term of six (6) years. David Bell shall serve as a member of the commission representing Zone 3 until August 31, 2006, or until such time as a successor is duly elected and qualified..

After the expiration of the first six-year term delineated above, and every six- years thereafter, each member shall be elected in the August general election of the appropriate year to a term of six (6) years. Each member of the commission shall hold office until his or her successor is elected and qualified. No more than one highway commissioner shall be elected for any zone by the qualified voters of said zone, and the commissioner shall be a

resident of the zone from which he or she is elected. Each commissioner shall execute bond in the amount of five hundred dollars (\$500) for faithful performance of the commissioner's duties under this Act. In the event that the county establishes County Commissioner Districts in a number greater or lesser than nine (9), then the Board of County Commissioners shall establish boundaries for the three (3) highway commissioner zones.

As amended by: Private Acts of 1972, Chapter 379
Private Acts of 1978, Chapter 176
Private Acts of 1979, Chapter 60
Private Acts of 1982, Chapter 196
Private Acts of 2002, Chapter 75

SECTION 2. Only one member of said Highway Commission may be elected from the same zone and no member of the Board of County Commissioners shall be eligible to membership on the highway commission.

As amended by: Private Acts of 1979, Chapter 60

SECTION 3. The Board of Highway Commissioners shall elect at their first meeting in September a Chairman from among the members of the Board of Highway Commissioners to serve as presiding officer of the Commission for a term of one year. The Board of Highway Commissioners shall also elect a Vice-Chairman from among its members at the same meeting wherein a Chairman is elected. The Vice-Chairman shall serve for a term of one year and shall preside during the absence or inability of the Chairman. The county legislative body shall determine the compensation of the members of the Board of Highway Commissioners, prior to the beginning of their respective terms of office, which compensation shall not be less than three hundred dollars (\$300) per month for any term beginning on or after September 1, 2002, and which compensation shall not be increased nor decreased during the term of office. The compensation of the Chairman and Board of Highway Commissioners shall be paid out of the highway funds of said county.

The County Judge or Executive may be present and sit with said Board of Highway Commissioners in their meetings in an advisory capacity and for the purpose of informing said Commission in reference to the affairs of the county but shall not be entitled to a vote on any matter before said Commission.

As amended by: Private Acts of 1953, Chapter 250
Private Acts of 1971, Chapter 24
Private Acts of 1979, Chapter 60
Private Acts of 1995, Chapter 33
Private Acts of 2002, Chapter 117

SECTION 4. The Board of Highway Commissioners shall hold their meetings at the county seat and shall meet at least once a month at a regular time to be fixed by the Highway Commission and shall hold such special meetings as may be necessary for the efficient dispatch of their business. Special meetings may be called by the Chairman or the Highway Supervisor upon twenty-four (24) hours notice to all members of said Board. Two members of said Commission shall constitute a quorum.

The Highway Commission shall have the power to make such rules and regulations relative to their deliberations and in operation of that Department of County Government as may be necessary for the efficient dispatch of their business; provided however, that no such rule shall conflict with the provisions of this Act or the general law.

As amended by: Private Acts of 1953, Chapter 363
Private Acts of 1967-68, Chapter 121
Private Acts of 1979, Chapter 60
Private Acts of 2002, Chapter 75

SECTION 5. Any member of the Highway Commission may be removed from office by ouster proceedings as provided by the General Laws of the State for misfeasance in office and for wilful neglect of the duties of the office or for incompetency in office. No member of the Highway Commission as defined in this Act shall be employed by said Commission in any capacity whatever.

As amended by: Private Acts of 1955, Chapter 384
Private Acts of 1979, Chapter 60

SECTION 6. (a) Funds collected for the highway department by the County Trustee shall be disbursed by the County Trustee on the warrant of the Highway Supervisor and signed by the Supervisor and countersigned by the County Judge or Executive.

The Board of Highway Commissioners shall approve all contracts involving the purchase or trade of equipment involving items of more than two thousand five hundred dollars (\$2,500). All other contracts of more than five thousand dollars (\$5,000) shall be approved by the Board of Highway Commissioners. Prior to the approval of such contracts specified above bids will be solicited by advertising at least five days prior to the date upon which contracts are let, the advertisement to be made in such manner as the Highway Commission and Highway Supervisor may direct. In case of emergencies, or the repair of

equipment, the Highway Supervisor may make purchases or contracts up to Five Thousand Dollars (\$5,000.00) with the approval of the Board of Highway Commissioners.

(b) Notwithstanding the foregoing, so long as Weakley County operates under the provisions of the County Financial Management System of 1981, as codified in Tennessee Code Annotated, Title 5, Chapter 21, the applicability of subsection (a) herein is suspended.

As amended by: Private Acts of 1979, Chapter 60
Private Acts of 1995, Chapter 33

SECTION 7. (a) The Highway Supervisor and Board of Highway Commissioners shall file annually with the County Clerk, a full, accurate, and detailed report of all funds received by the Highway Department and the expenditure thereof, which report shall show the nature of such expenditures and the projects upon which such expenditures were made. Likewise, the Highway Supervisor shall be under the duty of keeping an accurate and detailed account of all new constructions, reconstructions, and repairs, maintenance and operation, and shall likewise keep such records as may be necessary to establish a complete system of accounts. The reports filed with the County Clerk shall be presented to the Board of County Commissioners by the County Clerk. The Board of County Commissioners may cause the reports to be spread upon the minutes of that body.

(b) Notwithstanding the foregoing, so long as Weakley County operates under the provisions of the County Financial Management System of 1981, as codified in Tennessee Code Annotated, Title 5, Chapter 21, the applicability of subsection (a) herein is suspended.

As amended by: Private Acts of 1979, Chapter 60
Private Acts of 1995, Chapter 33

SECTION 8. (a) The Board of Highway Commissioners and Highway Supervisor shall present annually a general budget for the maintenance and construction of roads and bridges in Weakley County to the Board of County Commissioners at the April term, giving the character of the highway program for the ensuing year. Such budget report shall be submitted at least ten (10) days prior to the second Monday in April of each and every calendar year. The Board of County Commissioners shall have the power to review said budget and by majority vote the Board of County Commissioners may eliminate from the proposed program and proposed project or expenditure any and all matters which in their sound discretion they see fit to eliminate. The Board of County Commissioners, at any subsequent term, either regular or special, shall have the authority to make such changes in said proposed program, projects or expenditures as in their sound discretion it may deem proper or expedient, including the complete elimination or deferral of any proposed program, project, or expenditure.

(b) Notwithstanding the foregoing, so long as Weakley County operates under the provisions of the County Financial Management System of 1981, as codified in Tennessee Code Annotated, Title 5, Chapter 21, the applicability of subsection (a) herein is suspended. So long as Weakley County operates under the provisions of the County Financial Management System of 1981, as codified in Tennessee Code Annotated, Title 5, Chapter 21, the Highway supervisor shall annually develop a proposed budget for the county highway department which shall be reviewed by the Board of Highway Commissioners. The proposed highway department budget, with any proposed amendments from the Board of Highway Commissioners, shall be submitted to the budget committee in accordance with the County Financial Management System of 1981, as codified in Tennessee Code Annotated, Title 5, Chapter 21.

As amended by: Private Acts of 1951, Chapter 546
Private Acts of 1957, Chapter 106
Private Acts of 1979, Chapter 60
Private Acts of 1995, Chapter 33

SECTION 9. At the regular August general election in Weakley County in 1982 and every four years thereafter, there shall be elected a Highway Supervisor to serve until his successor is elected and qualified commencing September 1 next following his election. The present Highway Supervisor shall exercise the same powers and duties as the Highway Supervisor to be elected in 1982 and thereafter under the provisions of this Act. Before entering the duties of his office the newly elected Highway Supervisor shall take the oath of office and execute bond in the sum required by general law in accordance with Tennessee Code Annotated Sections 54-403 and 54-1008, 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. In order to qualify for the office of Highway Supervisor, a person shall be a citizen of the United States, and a resident of Tennessee and Weakley County for at least two years, and not less than twenty-five years of age. In order to qualify for the office of Highway Supervisor, a person shall be a graduate of an accredited school of engineering, with at least two (2) years experience in highway construction or maintenance or a related field and/or be licensed to practice engineering in Tennessee; or shall have had at least four (4) years experience in a supervisory capacity in highway construction or maintenance; or a combination of education and experience equivalent to either of the above, as evidenced by affidavits filed in accordance with general law with respect to the popular election of the chief administrative officer of the county

highway department, and filed with the highway committee of the county legislative body when the county legislative body is filling a vacancy in the office of Highway Supervisor. In no event shall the Highway Supervisor have less than a high school education or a general equivalency diploma (GED). In the event of a vacancy in the office of Highway Supervisor, during the time between the occurrence of the vacancy and the filling of the vacancy, the Chairman of the Board of Highway Commissioners shall temporarily exercise the powers of the Highway Supervisor. The Highway Supervisor shall be the chief administrative officer of the Highway Department as defined in the County Uniform Road Law codified in Chapter 10 of Title 54, Tennessee Code Annotated. The Highway Supervisor shall be in direct charge of all operations in the construction, maintenance, and repair of all highways and bridges in Weakley County. The Highway Supervisor is hereby authorized to employ and discharge for cause all general foremen, unit supervisors, job foremen, road hands and all other personnel employed by the Highway Department.

As amended by: Private Acts of 1951, Chapter 546
Private Acts of 1953, Chapter 239
Private Acts of 1965, Chapter 14
Private Acts of 1965, Chapter 73
Private Acts of 1967-68, Chapter 444
Private Acts of 1971, Chapter 24
Private Acts of 1979, Chapter 60,
Private Acts of 1995, Chapter 33

SECTION 10. The Board of County Commissioners shall possess power of eminent domain for the purpose of acquiring all necessary rights-of-way for the location of highways and bridges, the acquisition of gravel beds and all other material necessary for the repair and maintenance of all roads and bridges of said County. In case the county legislative body shall see fit to exercise the power of eminent domain the same shall be exercised in conformity with the provisions of Sections 23-1528 -- 23-1541, inclusive, of Tennessee Code Annotated, which sections are made a part of this Act as completely as though embraced herein.

As amended by: Private Acts of 1979, Chapter 60

SECTION 11. In the event the office of any member or members of the Weakley County Highway Commission should become vacant by reason of death, resignation, or other cause, the Weakley County Board of County Commissioners shall appoint such person or persons as are required to fill said vacancy. A member of the Highway Commission appointed by the Board of County Commissioners shall hold office until the next regular election and until his successor is elected and qualified.

As amended by: Private Acts of 1979, Chapter 60

Passed: April 7, 1949.

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