



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

December 20, 2024

Chapter IX - Highways and Roads

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

Dick Boyd Memorial Bridge

Public Acts of 2001 Chapter 420

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. Notwithstanding any other provision of law to the contrary, the bridge spanning Hardin Creek on U.S. Highway 64 in Wayne County is hereby designated as the "Dick Boyd Memorial Bridge".

SECTION 2. The Department of Transportation is directed to erect suitable signs or to affix suitable markers designating such bridge as the "Dick Boyd Memorial Bridge".

SECTION 3. The erection of such directional signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 4. This act shall become operative only if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 5.

(1) This act shall become operative only if Wayne County, Tennessee, either remits the estimated cost of the erection of such signs to the Department of Transportation within one (1) year of the effective date of this act or manufacturers such signs in accordance with the provisions of subdivision (2). Wayne County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Wayne County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Wayne County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Wayne County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

SECTION 6. This act shall take effect July 1, 2001, the public welfare requiring it.

Passed: June 22, 2001.

Mae Tom and Judge Russ Davidson Memorial Bridge

Public Acts of 2001 Chapter 393

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. Notwithstanding any other provision of law to the contrary, the bridge that spans Hardin Creek on U.S. Highway 64 in Wayne County approximately one-quarter (1/4) mile west of such highway's junction with State Route 114 is hereby designated as the "Mae Tom and Judge Russ Davidson Memorial Bridge" as a lasting tribute to these two remarkable public servants and human beings.

SECTION 2. The Department of Transportation is directed to erect suitable signs or to affix suitable markers designating such bridge as the "Mae Tom and Judge Russ Davidson Memorial Bridge".

SECTION 3. The erection of such directional signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 4. This act shall become operative only if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 5.

(1) This act shall become operative only if Wayne County, Tennessee, either remits the estimated

cost of the erection of such signs to the Department of Transportation within one (1) year of the effective date of this act or manufacturers such signs in accordance with the provisions of subdivision (2). Wayne County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Wayne County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Wayne County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Wayne County may manufacture and erect such signs provided that such signs ;are manufactured and erected pursuant to state and federal guidelines and approved by the department.

SECTION 6. This act shall take effect July 1, 2001, the public welfare requiring it.

Passed: June 7, 2001.

Road Law

Private Acts of 1941 Chapter 32

SECTION 1. That there be and is hereby created and established for the County of Wayne, State of Tennessee, the administrative Department of Highways and Accounts of the County government, and a chief executive officer of such Department to be known and designated as the Commissioner of Highways and Accounts of Wayne County, Tennessee, for the purposes hereinafter stated, and with the duties and privileges herein vested in such Commissioner.

SECTION 2. That for the more efficient, economical and competent administration, management and control of the system of public roads, highways and levees in Wayne County, such Commissioner of Highways and Accounts shall be and is vested with the full authority and control over the public roads, highways, levees and bridges of said County of Wayne, and be charged with the proper laying out, construction, maintenance and repairing of all such public roads, highways and bridges in such county and the expenditures of all necessary funds for such purposes.

SECTION 3. That the full management and control of the laying out, the construction, the repair and maintenance of all the public roads, highways, levees and bridges of Wayne County, Tennessee, shall be vested in the Commissioner of Highways and Accounts, and it shall be his duty to see that such public roads, highways, levees and bridges are constructed, maintained and kept in proper repair, and in as good condition as the nature of the weather, the availability of funds and labor, and other conditions, will reasonably permit. And to this end the Commissioner of Highways and Accounts is empowered and directed to employ all necessary foremen, employees, agents and laborers both common and skilled, as may be needed to effectively, efficiently, and speedily carry on such work in the best manner possible, economy and permanency considered, such foremen, laborers and others to be paid such sums per day or per hour as may be fair and customary in the community where such work is done or labor and services performed, but no laborer, foreman or other employee or agent shall be retained or kept employed unless he render faithful, full, efficient and proper service, and wages and compensation to such laborer, foreman, or employee shall not be paid except for the days or hours actually employed and put in on the job, or required in going to and from such job or work by the nearest usually travelled route. (sic)

SECTION 4. That such Commissioner of Highways and Accounts shall keep and maintain for his Department an office in the Courthouse of Wayne County, or at the county seat and in some other building in a public place provided at public expense, and he shall keep in such office all the records, maps, plats, copies of reports and other books, blanks, estimates, and all other records pertaining to his office, all of which shall be open at all reasonable hours to public inspection.

The Chief Administrative Officer shall have supervision and control over and shall be responsible for all the machinery, equipment, tools, supplies and materials owned or used by the county in the construction, reconstruction, repair and maintenance of the county roads and bridges. He shall make or cause to be made a complete inventory of all machinery, equipment, tools, supplies, and materials and file copies of the complete inventory with the county governing body, the Comptroller of the Treasury and the State Rural Roads Division within sixty (60) days after taking office and thereafter a revised current inventory shall be submitted effective July 1 of each year. Said revised inventory shall be submitted by September 1 of each year. All machinery, equipment and tools shall be plainly marked as the property of the County Road Department and each item shall be numbered and the number entered on the inventory filed by the

Chief Administrative Officer.

The Chief Administrative Officer shall maintain an inventory of all machinery, equipment, tools, supplies, and materials owned or used by the county in the construction, reconstruction, repair and maintenance of the county roads and bridges. Such inventory shall, at all times, reflect the whereabouts of the machinery, equipment, tools, supplies, and materials. When such machinery, equipment and tools are initially received by the county, they shall immediately be assigned a permanent number which shall be permanently affixed to the property in question. Such permanent number shall be entered on the inventory required herein. When the property received consists of vehicles and other rolling equipment, it shall be permanently marked, on either side, in letters at least four inches high with words, "Wayne County Highway Dept." and the permanent Highway Department number.

The inventory maintained of all machinery, equipment, tools, supplies and materials must contain the vendor from whom the property was purchased, the price, the quantity, to whom and for what project or equipment the property was issued, the identification number and the signature of the person to whom it was issued. Such inventory shall at all times indicate the whereabouts of the property.

The Chief Administrative Officer of the Highway Department shall submit quarterly a complete inventory of all machinery, equipment, tools, supplies and materials owned or used by the Highway Department to the Quarterly County Court of Wayne County. Such inventory shall also be released to the media. Within the first ten (10) days of each calendar month, the Chief Administrative Officer shall submit to the Quarterly County Court a list of all property, both real and personal, leased for that month. Such list shall be filed with the county court clerk and released to the media.

The Chief Administrative Officer shall require that all employees submit time records showing the time worked, where the work was performed, and the project for which the work was done.

All purchases of and contracts for purchases of supplies, materials, equipment, contractual services, and all contracts for the lease or rental of equipment, and all sales of county-owned property which has become surplus, obsolete, or unusable, shall be based wherever possible on competitive bids but contracts for legal services, auditing services by certified public accountants, and similar services by professional persons or groups of high ethical standards, shall not be based upon competitive bids, but shall be awarded on the basis of recognized competence and integrity; provided further that bids need not be required for services for which the rate or price is fixed by a public authority authorized by law to fix such rates or prices.

The Chief Administrative Officer shall estimate, at the beginning of the fiscal year, that year's expected usage of supplies and materials. Bids shall be solicited and awarded as provided in this section. Such bids shall be to provide the Highway Department's needs for a particular commodity for the entire year. The vendor who is awarded the contract will supply all of the Highway Department's needs for that commodity during the fiscal year. Examples of materials and supplies which shall be purchased in this manner are: tires, batteries, gas, oil, spark plugs and construction materials.

The county may purchase materials, supplies, commodities and equipment from any federal, state or local governmental units or agency, without conforming to the competitive bidding requirements of this section.

If the amount of the expenditure or sale is estimated to exceed five hundred dollars (\$500.00), sealed bids shall be solicited. The Chief Administrative Officer shall solicit sealed bids by public notice inserted at least once in a newspaper of county wide circulation five (5) days prior to the final date for submitting bids or by posting notices on a public bulletin board in the county courthouse. The Chief Administrative Officer shall also, when deemed necessary or desirable, solicit sealed bids by sending requests by mail to prospective suppliers. All such notices shall include a general description of the commodities or contractual services to be purchased or property to be sold and shall state where bid blanks and specifications may be obtained and the time and place of opening bids. The Chief Administrative Officer shall also, when deemed necessary or desirable, solicit sealed bids by sending requests by mail to prospective suppliers and by posting notices on a public bulletin board in the county courthouse.

All purchases or sales of less than five hundred dollars (\$500.00) in amount may be made by the Chief Administrative Officer in the open market without newspaper notice, but shall wherever possible be based upon at least three (3) competitive bids. Requisitions for items estimated to cost more than five hundred dollars (\$500.00) shall not be subdivided in order to circumvent the requirement for public newspaper notice herein provided for. All sales by the Chief Administrative Officer shall be made to the lowest responsible bidder. Bids on purchases shall in all cases be based on such standards as may be adopted and promulgated by the Chief Administrative Officer and approved by the Quarterly County Court.

All open market purchases orders or contracts made by the Chief Administrative Officer or in extreme emergencies by any county department or agency shall be awarded to the lowest or best bidder, taking into consideration the qualities of the articles to be supplied, their conformity with specifications, their

suitability to the requirements of the county government, and the delivery terms. Any, or all, bids may be rejected for good cause.

All bids taken under the requirements of this chapter, and all other documents, including purchase orders, pertaining to the award of contracts on such bids, shall be preserved for a period of five (5) years.

If all bids received on a pending contract are for the same unit price or total amount, the Chief Administrative Officer shall have authority to reject all bids and to purchase the required supplies, materials, equipment or contractual services in the open market, provided the price paid in the open market does not exceed the bid price and the goods are equal in quality to those bid on.

All sealed bids received shall be opened publicly at the time and place fixed in the advertisement. Each bid, with the name and address of the bidder, shall be entered on a record, and each record with the names of the bidders, the amounts of the bids, and the name of the successful bidder indicated thereon, shall, after the award or contract or order, be open to public inspection.

All contracts shall be approved as to form by the county attorney and the original copy of each long-term contract shall be filed with the county court clerk.

No purchase shall be made or purchase order or contract of purchase issued but in consequence of a written requisition for the supplies, materials, equipment or contractual services required, which requisition shall be signed by the employee of the Highway Department requiring such articles or services. Original copies of all such requisitions shall be kept on file in the Office of the County Purchasing Agent.

No purchase shall be made or purchase order or contract of purchase issued for tangible personal property or services by county officials or employees, acting in their official capacity, from any firm or individual whose business tax or license is delinquent.

The Chief Administrative Officer is authorized to purchase and contract to purchase materials, supplies, equipment and contractual services on a fiscal year basis, but no commitment shall be made which extends beyond the end of the current fiscal year for which appropriations have been made by the Quarterly County Court, except such commitments as are authorized by resolution of the Quarterly County Court.

No road surfacing materials shall be purchased without specific authority of the Quarterly County Court.

Willful failure to follow the requirements of this section by any person hereby declared to be a misdemeanor, punishable by a fine of not less than five hundred dollars (\$500.00) and grounds for ouster from office under Title 8, Chapter 27 of the Tennessee Code Annotated. (sic)

Notwithstanding any provision of this act or any other law to the contrary, when selling county-owned property which has become surplus, obsolete, or unusable, the chief administrative officer may, in the officer's discretion, choose to sell such property by public auction in lieu of selling the property by sealed or competitive bids. The use of a public auction to sell surplus, obsolete or unusable property shall be permissible regardless of the value of the property being so disposed.

As amended by: Private Acts of 1977, Chapter 109
Private Acts of 2007, Chapter 18

SECTION 5. That at the public office kept and maintained for and by such Commissioner of Highways and Accounts there shall be kept on file for public inspection a map or maps of Wayne County showing the boundaries of each civil district in the county, all the public roads, highways and bridges in said county, and the point or points where work is being done on any such road, highway or bridge at public expense; estimates of the cost of construction, maintenance or repairs; copies of all public contracts; a list of all foremen, laborers, or other employees and the amount of salary, wages or compensation being or has been paid to each; the amounts of receipts for highway purposes and the amounts expended during each calendar month; all of which shall be open to the public and inquiries concerning same answered.

SECTION 6. That the office of Commissioner of Highways and Accounts for Wayne County shall be kept open during the business hours of the day, Sundays and legal holidays excepted. The Commissioner shall have the authority and power to employ all necessary clerical help, stenographers, filing clerks, and others to keep and maintain such office at a high standard of efficiency and in the best interest of the public and for the giving of information to all citizens and taxpayers inquiring. The Commissioner shall also employ all necessary surveyors, engineers, abstracters, draftsmen, or other skilled employees and laborers, and contract for and procure all necessary professional services, the compensation to be paid such clerks, common or skilled employees, or others, and for such professional services, to be fixed at a salary, wages or fee commensurate with the character and amount of services performed, to be paid for by warrant drawn on the Trustee of Wayne County, issued by such Commissioner, and paid by the County Trustee out of funds in the general highway account or funds held for highway purposes.

SECTION 7. That in the laying out, construction, repairing and maintaining the public roads, highways

and bridges under the provisions of this Act, due regard shall be given to the needs of the several communities, and the condition of the roads and bridges from time to time. Public roads over which rural free delivery routes pass shall be given first consideration, and in other respects there shall be, as nearly as practicable, a fair distribution of funds in the several civil districts of the county, condition of roads, bridges, and amounts previously expended, considered.

SECTION 8. That the County Court of Wayne County, in quarterly session, at the usual time of levying taxes for other purposes, shall levy a tax upon all the taxable property in said County for general highway purposes in such amount as may be needed to meet the demands of the Department of Highways and Accounts and to pay existing indebtedness evidenced by outstanding warrants legally and properly issued for labor and services actually performed, supplies actually furnished and shown by receipted bills, and for other purposes. And the said County Court at its April, 1941, quarterly sessions, and at each January term thereafter, shall fix the number of days for the eligible road hands to work on the public roads of said county, as provided by the general laws, which provisions of the general laws are not intended by this Act to be repealed.

SECTION 9. That such Commissioner of Highways and Accounts shall demand of and receive from all persons, officials and individuals heretofore connected in any manner or capacity with any of the public road and highway affairs of Wayne County, the construction or maintenance of same, all the warrants, books, stubs, blanks, books, accounts, maps, plats, plans, records, and all machinery, equipment and supplies kept or used in the administration and conduct of such public road and highway affairs. And if any person, official, or individual assuming authority or control over such books, records, machinery, equipment or supplies, or any funds belonging to said department, or other property belonging or pertaining in any way to the public road system or affairs in said County, or in the former administration or control of same, shall fail or refuse to promptly deliver over and surrender to the Commissioner of Highways and Accounts of said County all such books, funds, records, machinery, equipment or other property in his or her hands, such Commissioner, after due demand for same in writing shall proceed to institute proper proceedings in law or in equity to recover the same, and to this end may employ necessary counsel, execute costs and prosecution bonds, and to recover the same in his name for the use and benefit of the Department of Highways and Accounts of Wayne County.

SECTION 10. That the said Commissioner of Highways and Accounts shall be the agent of Wayne County in dealing with the Department of Highways and Public Works of the State of Tennessee, and he shall be recognized as such by said State Department.

SECTION 11. That the said Commissioner of Highways and Accounts shall possess and have all authority over the eligible road hands of the County, and all male persons over the age of 21 years, and under the age of 50 years, are hereby declared eligible, and are required to work on the public roads upon or near which they live not less than 6, nor more than 10, days in each and every year, but they may, in lieu of work, commute by paying to the County Trustee of Wayne County, the sum of 75¢ per day for every day's labor they have failed to perform, as required by this Act, provided the payments are made to the Trustee on or before the 1st day of October of each and every year, but should they fail to work or commute by paying to said Trustee the aforesaid sum of 75¢ per day, for every day's work they have failed to perform as required by this Act, by the aforesaid date of October 1st, they can only commute by paying 85¢ per day for every day's work they have failed to perform, as required by this Act, the payment of which may be made to the County Trustee, Commissioner of Highways and Accounts, or the employees authorized by said Commissioner to warn in for work, and collect from such eligible road hands, the amount provided by this Act, and for this purpose the said Commissioner is hereby authorized and empowered with authority to employ suitable persons to warn in said hands to work said road, and to collect the amount they are required to pay in lieu of work.

SECTION 12. That for the purpose of carrying out the provisions of this Act, the Quarterly Court of Wayne County is hereby authorized, empowered with authority and directed to fix the number of days for the eligible road hands to work on the public roads of said County for the year 1941 at its April, 1941, session, and at the January term of the Quarterly Court each year thereafter for other years, but which time shall in no event be less than six days, nor more than ten days, in accordance with the provisions of this Act.

SECTION 13. That the Commissioner of Highways and Accounts shall make a list of all eligible road hands in said County of Wayne, and to assign each hand to a public road as near to the place of residence of such hand as practicable; and he shall notify each hand by U.S. mail the road to which he has been assigned, and such hand has the right and privilege to be transferred upon his request to any other public road he may desire if he appear at the office of such Commissioner and make such application; but not more than one such application shall be made in any one calendar year.

SECTION 14. That a failure of any such eligible road hand to work on the public road or roads to which he

has been assigned by the Commissioner, or commute by paying the amount in lieu thereof as provided by this Act, is hereby declared to be a misdemeanor, punishable by a fine not less than five nor more than fifty dollars, and the grand jury of said County of Wayne is hereby given inquisitorial power over the offense created by this Act, and it shall be the duty of the Commissioner of Highways and Accounts to make a list of such delinquent road hands, and report the same to the grand jury, or he may procure the issuance of a warrant for the arrest of the road hands guilty of such offenses, before any Justice of the Peace of the County, and upon the plea of guilty being entered they may be fined as now provided by law by such Justice of the Peace within the limitations fixed by this Act.

SECTION 15. That all sums and amounts paid to the Commissioner of Highways and Accounts for his salary and to all employees and laborers and for all special and professional services, and for all equipment, materials and supplies, shall be paid by a warrant drawn by such Commissioner upon the County Trustee, out of funds in his hands to the credit of the general road fund, or similar fund derived from whatever source for road and highway purposes.

As amended by: Private Acts of 1971, Chapter 153
Private Acts of 1972, Chapter 418

SECTION 16. That the Commissioner of Highways and Accounts shall have complete control and authority over all public road equipment, and he is hereby authorized to purchase such additional equipment as in the judgment of the Commissioner is necessary to the proper working, repairing and maintaining of the public roads, highways, levees and bridges of the County, but in the event a single purchase should be made in excess of \$500.00, it shall not be binding upon the County until approved by the Quarterly County Court.

That no highway funds will hereinafter be paid out by the Commissioner of Highways and Accounts to the owners or lessees, etc. of private road machinery and equipment for work upon the roads and bridges of the County or for other highway purposes without the prior specific approval of the Quarterly County Court.

As amended by: Private Acts of 1971, Chapter 153

SECTION 17. That the right of eminent domain conferred by general statutes of the State of Tennessee upon counties for county purposes shall be exercised by the Department of Highways and Accounts herein created and established, and the Commissioner of Highways and Accounts shall have full authority and power to institute, in the name of the County, such suits as may be necessary for the condemnation of lands, or other property, for the proper and necessary construction of public roads, levees, highways and bridges, and the right of entry upon giving proper bond pending the assessment of damages or any litigation, as now provided by Code of Tennessee, 1932, Sections 3159 to 3161, both included, may be exercised by such Commissioner.

SECTION 18. That when in the opinion of the Commissioner of Highways and Accounts he deems it economical and in the interest of the public that prisoners confined in the workhouse be used to clean any public building, or to paint, repair, or do other work upon any public building, the courtyard, public square, or the buildings, fences and premises of the County Farm, he may require such services, and such services when rendered by workhouse prisoners shall be credited to such prisoners as work on the public roads by them, or upon such other work set apart for them by the workhouse commissioners, or others in authority, or by law.

SECTION 19. That nothing in this Act shall require any person to do double duty in work upon the public roads, and all persons paying street tax to any municipal corporation the governing body of which has assessed such tax, shall be exempted from doing personal duty in labor upon the public roads, or from the payment of the tax required to commute for the same, the payment of such corporation tax being in lieu of the labor required by this Act.

SECTION 20. That the Commissioner of Highways and Accounts is hereby vested with the custody and control of the Courthouse and County Farm in Wayne County, the several offices in said Courthouse, the grounds, courtyard and public square around such Courthouse, and of the buildings and premises of the County Farm, and he shall have the power and authority to assign the several rooms and offices in the Courthouse to officials, agents, and agencies requiring rooms and offices in which to carry on the public work in said County of Wayne, or in the interest of its citizens and taxpayers; to employ a jointor (sic) for the Courthouse, and for the convenience of the several officers and officials maintaining offices in the Courthouse; and to contract for the operation of the County Farm, the keeping of poor persons kept there, and for the proper maintenance, management and control of the County Farm; and to receive applications from persons or on behalf of persons desiring to live and be kept at the County Farm at public expense.

And to enforce the provisions of this section, and for the efficient conduct and control of the public affairs in connection with the County Farm, its management and control, and in the custody, management and control of the Courthouse of Wayne County, all the duties now imposed by law or by resolution of the

Wayne County Court upon the Sheriff, County Farm Commissioners, the County Judge or Chairman, or other officials, commissioners, agents, or others, in conflict herewith shall be and are hereby vested in the said Commissioner of Highways and Accounts.

SECTION 21. That in addition to the duties fixed and the authority given in the preceding sections of this Act over the public roads, highways, levees and bridges of the County of Wayne, and the management and control of the public road system and affairs as herein provided, the said Commissioner of Highways and Accounts of Wayne County shall have the further authority and power to supervise the erection, construction, maintenance and repairs of all public buildings for Wayne County, and to see that all contracts are complied with and suitable materials and proper workmanship enter into such construction, maintenance and repairs of such buildings. He shall be charged with the purchasing of all materials, supplies, and equipment for the use of the courthouse, the county farm, the county workhouse and the county jail (except food for prisoners confined therein), and of the several offices, officers and officials of Wayne County, and to check and approve all accounts for fuel, light, heat and all other items used by all officials, agencies and departments of said County, to see that all expenditures are proper and necessary and that full value is received for all sums expended for whatever purposes. He shall contract for and purchases all such materials, equipment and supplies at such places and upon such terms deemed by him most economical and where best values may be obtained for sums expended. In all contracts for materials, equipment or supplies where the sum to be expended upon any one contract or job, or where the amount to be purchased amounts to or exceeds One Hundred Dollars (\$100.00), the Commissioner of Highways and Accounts shall make due advertisement of the character and amount of such supplies, equipment or other materials required, for as many as three consecutive issues in any newspaper published in Wayne County, and to request for sealed bids upon same, fix the date for filing same, and for completion of the contract, and the lowest bid so received shall be accepted if the bidder shall enter into proper bond or make cash deposit sufficient in amount to guarantee the full performance of such contract. But this provision shall not apply to the employment of foremen, laborers, skilled or common, janitors, technical services and professional services, nor to the purchase of road machinery, motor trucks, or other equipment, machinery or supplies where certain types and sizes are needed or required for the purposes for which they are to be used.

SECTION 22. That for the more efficient and economical administration of the financial affairs of said County of Wayne, such Commissioner of Highways and Accounts shall be and is also vested with the full and exclusive authority and control over and supervision of all public contracts, the collection of delinquent public revenues and other debts, accounts, defalcations, misappropriations and other items due to the County of Wayne (excepting State, County and Municipal taxes, current and delinquent); the purchasing of all materials, supplies and equipment needed by the several offices, officers, officials, representatives, agents or departments of said County of Wayne; and the checking and auditing of all officers, officials, agents, employees and departments of such County of Wayne, as hereinafter provided.

COMPILER'S NOTE: Private Acts of 1951, Chapter 668, Page 1965, transferred the financial and fiscal affairs enumerated in Sections 20, 21 and 22 to the County Judge of Wayne County.

SECTION 23. That the Commissioner of Highways and Accounts for Wayne County shall also check and audit the reports of revenue and accounts, the books, papers and dockets of all the Justices of the Peace, the County officials and others from whom County revenue is derived. Such check and audit of such books, papers, reports and accounts shall be made at least two times each year, and such Commissioner may summon before him at his office any such official, Justice of the Peace, or other person from whom revenues are derived, and the failure or refusal of such officials, Justices of the Peace, or other person so summoned to appear with his books, papers, reports and dockets at the time and place mentioned in the summons, issued by such Commissioner and served by an officer of the County shall be a misdemeanor in office, and upon conviction, shall be required to pay a fine or undergo imprisonment in the County workhouse, or both, as in other misdemeanors, and shall forfeit his office and be ineligible to hold other public office in Wayne County for five years. Such Commissioner of Highways and Accounts shall keep on file in his office and subject to public inspection a copy of all reports and accounts of all such officials, together with the approval or disapproval of such Commissioner of same upon such audit and check. He shall also require the County Judge or Chairman of Wayne County to open his books, papers, warrant books, stubs, and other records belonging to the office of County Judge or Chairman of the County of Wayne, to ascertain and determine the amount and number of outstanding warrants on the County treasury, to whom and for what purpose given, the County's indebtedness, revenues, income, expenditures, and all other matters necessary to determine the true financial condition of said County of Wayne. Such Commissioner shall publish semi-annually in two consecutive issues of some newspaper published in said County his full report of all revenues and sums paid into the County Treasury, from what sources derived; the amount and sums expended, to whom and for what purposes; the amount and number of warrants on all accounts outstanding and unpaid; and a true statement of the financial

condition of the County of Wayne, and the delinquencies, if any. The expenses of making and publishing such reports shall be paid out of the general funds of the County of Wayne by warrant of the County Judge or Chairman upon the County Trustee, a certified copy of such warrant to be issued to the person or firm entitled thereto by the said Commissioner.

COMPILER'S NOTE: The provisions of Section 24 requiring the issuance and filing of certificates of accounts were repealed by Private Acts of 1951, Chapter 668. However, the 1951 Act requires the County Judge (County Executive) to verify that supplies or services have been received before issuing disbursement warrants. Such written verification must remain open to public inspection in the County Judge's (County Executive's) office for at least 2 years.

SECTION 25. That the duty of the said Commissioner of Highways and Accounts as herein set forth relating to the examination, checking and auditing of accounts of the several officials, Justices of the Peace, and others, shall be in lieu of any auditing committee or revenue committee heretofore performing such services under appointment by the County Quarterly Court, and no such committee or individual, other than the Commissioner, shall have any right or authority to make such audit, check, or examination, or make report of such findings to the Quarterly Court.

SECTION 26. That the said Commissioner of Highways and Accounts for Wayne County shall be elected by the people of said County for a term of four (4) years, such election to be held at the regular August election for county officials and officers in the year 1962 and each four (4) years thereafter at such General Election. Such Commissioner of Highways and Accounts shall before entering upon the duties of his office enter into a bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00) with solvent surety, substantially as follows:

I, _____, principal, and _____, surety, acknowledge ourselves jointly and severally bound unto the State of Tennessee for the use of the County of Wayne in the penal sum of Five Thousand Dollars. But this obligation is to be void and of no effect if the above bound principal who has this day assumed the duties of the office of Commissioner of Highways and Accounts of said County of Wayne, shall faithfully perform and discharge all the duties as may be imposed upon him, and shall safely keep and preserve the records of such office as required by law.

This ____ day of _____, 19____
Principal. _____
Sureties. _____

Approved: (Give Date.) _____ County Judge (or Chairman).
Filed: (Give date.) _____ County Court Clerk

Such bond and the oath of office shall be filed in the office of the County Court Clerk of Wayne County.

The premium for such bond charged by any reliable surety company, shall be paid by warrant issued upon the general public road funds and signed by such Commissioner of Highways and Accounts. And there shall be also filed with such bond or attached thereto and filed, an oath substantially as follows:

I, _____, so solemnly swear that I will perform with fidelity the duties of the office of Commissioner of Highways and Accounts of Wayne County, Tennessee, to which I have been appointed (or elected, as the case may be) and which I am about to assume; and I do further swear that I have neither given nor will I give any person any gratuity, gift, fee or reward in consideration of his or her support for my office; and will perform all the duties required by law to the best of my skill and ability, So help me God.

_____, 19____. _____ (Official Title) (Seal of Office)

Such Commissioner of Highways and Accounts when so appointed, and/or elected and qualified, shall hold his office until his successor is elected and qualified. The term of office shall expire on September 1, following date of the general August election for County officials, and no special election shall be held to fill any vacancy occurring in said office by death or resignation, but in the event of such a vacancy the same shall be filled by the County Court at its next Quarterly session after the happening of such vacancy, or upon being specially called for such purpose. But until the office of Commissioner of Highways and Accounts for Wayne County shall be filled by the election by the people at the regular August, 1942, election for County officers, W.L. Bell, a citizen of such county, and qualified to serve hereunder, shall fill such office, and be vested with all the duties and powers hereunder, as if elected by the people.

As amended by: Private Acts of 1961, Chapter 22
Private Acts of 1971, Chapter 153

SECTION 27. That in the event the person named herein to serve as Commissioner of Highways and Accounts until the election herein provided for shall be held and such official duly elected and qualified,

shall fail or refuse to serve, or is otherwise unable to or refuses to accept said appointment and be qualified hereunder, the Governor of the State of Tennessee is hereby authorized and empowered to appoint a person meeting the requirements of the Act to serve hereunder until the election of a Commissioner of Highways and Accounts at the general election to be held in said County in August, 1942.

SECTION 28. That no person shall be eligible to serve as the Commissioner of Highways and Accounts of Wayne County unless he shall be a citizen of said County, at least twenty-one years of age, and has had actual and practical experience in the laying out, construction, maintenance and repairing of public roads and bridges, and unless he is also trained and experienced in the keeping of accounts, and with sufficient education and training to be able to check and audit the accounts of County officials and Justices of the Peace, and to otherwise efficiently and skillfully perform all the duties imposed by this Act.

SECTION 29. That such Commissioner of Highways and Accounts shall to the best of his skill and ability faithfully perform all the duties imposed upon him by this Act, and his failure so to do is hereby declared to be a misdemeanor in office, and upon indictment or presentment and conviction he shall be fined not more than Five Hundred Dollars, and be imprisoned for not more than twelve months in the County jail or workhouse, at the discretion of the Court, and it shall moreover be the judgment of the Court that such official shall be removed from his office, and be disqualified from holding any office in said County for a period of five years from the date of the final judgment against him.

SECTION 30. That the Commissioner of Highways and Accounts for Wayne County shall receive as his compensation and salary the sum of Eight Thousand Five Hundred Dollars (\$8,500) annually, which shall be payable in twelve equal monthly installments, by warrant drawn by the Commissioner of Highways and Accounts upon the County Trustee to be by such Trustee paid out of the general highway account, or funds to the credit of the Department of Highways and Accounts. And he shall, in addition to such monthly salary, receive, use and be furnished necessary gasoline and oil from any supplies on hand belonging to the Department of Highways and Accounts of such County, required and needed for use while upon official business. But no gasoline, oil, or other equipment, machinery or supplies shall be used for private purposes or individual use. And the said Commissioner of Highways and Accounts shall not become or be the owner or holder of any other warrant, or be due any other or further sum, payable out of funds belonging to such Department, or drawn upon any account or source over which he has any supervision or control.

As amended by: Private Acts of 1951, Chapter 722
 Private Acts of 1971, Chapter 153
 Private Acts of 1972, Chapter 418

SECTION 31. That the provisions of this Act are several (sic) and if any of its provisions, sections, paragraphs, clauses, phrases, word or words, shall be held unconstitutional by the valid judgment or decree of any court of competent jurisdiction the same shall not affect any of the remaining provisions, sections, paragraphs, clauses, phrases, word or words of this Act. It being hereby declared that it is the legislative intention that this Act, and every section, paragraph, clause, phrase, word or words thereof, would have been enacted had such unconstitutional section, paragraph, clause, phrase, word or words, not been included herein.

SECTION 32. That all laws and parts of laws, general, local and special, in conflict with the provisions of this Act be and the same are hereby repealed, it being the expressed intention of the General Assembly by the passage of this Act to provide for the full and complete administration of such of the affairs of Wayne County as are herein regulated and directed.

SECTION 33. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 20, 1941.

Private Acts of 1959 Chapter 111

SECTION 1. That the Commissioner of Highways and Accounts for the County of Wayne, State of Tennessee, the head of the administrative department of highways and accounts, and the chief executive officer of such department, be, and he is hereby allowed, and he is expressly authorized a monthly expense allowance up to the amount of One Hundred Eightythree and 33/100 (\$183.33) Dollars to be paid monthly out of the County Highway Fund of Wayne County, Tennessee.

SECTION 2. That it is found and declared that the present provisions of the law which provide compensation for the office of Commissioner of Highways and Accounts in said County, make no provision for the payment of such expenses, and it is hereby found and declared that the Commissioner of Highways and Accounts of said County incurs expenses in connection with the performance of his duties in excess of the amount hereinbefore provided and authorized.

SECTION 3. That this Act shall not be in any way construed as an increase or supplement to the monthly

salary or compensation paid to the Commissioner of Highways and Accounts of said County but is a provision to provide for a refund of expenses incurred by said Commissioner of Highways and Accounts to the extent hereinbefore provided, but no further or otherwise.

SECTION 4. That all laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict, and that this Act will not take effect until and unless the same shall have been approved by two-thirds (2/3) vote of the Quarterly Court of Wayne County, Tennessee, on or before the next regular meeting of said Quarterly Court occurring more than thirty (30) days after its approval by the Chief Executive of the State. Its approval or non-approval shall be proclaimed by the County Judge of the Quarterly Court of Wayne County, Tennessee, having jurisdiction to approve or disapprove this Act, and shall be certified by him, if approved, to the Secretary of State.

Passed: February 26, 1959.

Highways and Roads - Historical Notes

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

1. Acts of 1821, Chapter 6, required the Courts of Pleas and Quarter Sessions of all the counties in the State to index and classify the public roads into three district classes. The primary basis for the classification of the roads was width and use. The roads would be maintained according to the requirements of the particular class to which they may have been assigned. The three classes ranged from stage roads to a road wide enough to permit the passage of a horse and rider. The Court would assign a competent number of hands to maintain the roads.
2. Acts of 1841-42, Chapter 11, incorporated Thomas Lanier as the sole owner of a turnpike road beginning on the Alabama line and running through the corner of Wayne County to the Hardin County line. The road would be at least 20 feet wide, and bridges and causeways would be built and maintained wherever they were needed on the road. The Act appointed John McFalls, George Cook, Andrew South, James McFalls, and William McFalls, as Commissioners to inspect and examine this road and, if properly done, to issue a license for a toll gate. Inspections would then be made every six months thereafter, and, if the road was not kept in good repair, the authorized toll gates would be shut down. The tolls to be charged were rated according to vehicle type and must conform to those specified in the Act.
3. Acts of 1847-48, Chapter 44, incorporated the Indian Creek Turnpike Company, naming J. J. Gibson, John Kervin, Martin Cook, A. Montague, George F. Benton, John Hardin, J. L. Smith, John S. Broyles and Thompson Hurst, as Commissioners, whose duty it was to open books and take stock subscriptions up to \$75,000. The corporation would build a macadamized road from Waynesboro to Savannah in Hardin County, according to some other general specification in the Act. This road must be started within 18 months from the passage of this Act and be completed within 6 years.
4. Acts of 1901, Chapter 136, was a general road law which applied to every county in Tennessee under 70,000 in population. The County Court of each county under this Act would select a Road Commissioner from each Road District, which were coextensive with the Civil Districts, who would serve two year terms, who would be sworn and bonded, and who would be paid \$1 per day for each days service actually rendered up to ten days per year. The Court would also fix the number of days between five and eight which a road hand would work and assign the hands to a section of the roads to be worked. The County Court would levy a special road tax of 2 cents per \$100 property valuation for each day decided upon for road hands to work, which would be collected as other taxes, except that two-thirds of this tax could be worked out by the taxpayer on the public roads. District Commissioners would name the Overseers who would be in immediate supervision of different sections of the roads in that District. The Commissioners shall furnish a certified list to the County Judge of the prospective road hands in their Districts. All male residents of the county between the ages of 21 and 45 were subject to labor on the roads, or pay the commutative fee of seventy-five cents a day. Prisoners could be worked on the roads. Some general specifications for roads were contained in the Act. The Road Commissioner of the District would receive, hear, and make recommendations to the County Court on all petitions to open, close, or change a road under the guidelines specified in the Act. The County Court was empowered to contract road work out under special provisions. The County Courts could levy a general road tax of up to twenty cents per \$100. The legality of the Act was the subject of the suit in *Carroll v. Griffith*, 117 Tenn. 500, 97 SW 66 (1906).
5. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but

- principally in the procedures for handling and disposing of petitions to open, close, and change roads, especially where the exercise of the power of eminent domain was necessary.
6. Private Acts of 1913 (Ex. Sess.), Chapter 41, created a three member Board of Road Supervisors, who must be at least 21 years of age, male and who would be appointed by the County Judge, or Chairman, for a period of two years. Those appointed must appear within 20 days of their appointment to be sworn into office, and to select a Chairman, and a Secretary, from among their own members. The Board would be in full and complete charge of all public roads and bridges and dispense all funds for roads which were collected by taxes, or otherwise. The Chairman of the Board would serve as the Superintendent of Roads at a salary of \$600 to \$750 per year, the Secretary would be paid from \$150 to \$300 per year, and the other member of the Board would be paid \$2 for each meeting attended. The Board would meet at least once each month. The Superintendent of Roads would devote full time to the duties imposed by this Act. "Section Foremen" could be hired at \$1.50 per day and laborers, as needed, at \$1.25 per day, all of whom would work 10 hours each day. A road tax was authorized between 15 and 30 cents per \$100 property valuation, and all males between the ages of 21 and 50 who lived outside of cities, must pay from \$5.00 to \$7.50 per year, as the County Court may decide or work the stipulated amount out at \$1 per 10 hour day. In addition, a vehicle tax of \$5 per year was imposed upon some specified vehicles. The Board would receive and dispose of, under the regulations provided in the Act, all petitions to open, close, or change roads, and was empowered to use condemnation proceeding. A report of all activities must be rendered periodically to the County Judge, or Chairman. This Act was repealed by Private Acts of 1915, Chapter 690.
 7. Private Acts of 1915, Chapter 606, provided for a three member Board of Road Supervisors, 21 years of age, or older, who would be elected by the County Court for two year terms but could not be a member of the Court. Vacancies would be filled by the Chairman of the said board for the unexpired term. The Board would meet promptly, select one of their number to be Chairman, and a Secretary, and be sworn into office. The Board would be in charge of the roads and bridges of the county and would disburse all road funds from whatever source. The Chairman would be paid \$2.50 per day up to \$450 per year, and the other members would receive \$2 per day up to \$100 a year. The Superintendent of Roads, who was also the Chairman, would devote full time to the position, and the Board would meet at least once each month. The Superintendent and the Board would visit and inspect each road in the county, would classify and index them for which they could employ an engineer to assist them, and could appoint "Section Foremen" at \$1.50 a day wages up to \$12 a year, and laborers, who would be paid \$1.00 a day. The County Court would be responsible to make proper budget appropriations. Work on roads would be done principally during the period from April to November. The provisions for the compulsory road work for males between 21 and 50 years of age remained as they were in the 1913 Act. A road tax of from 15 to 30 cents per \$100 property valuation was mandated. No new roads would be laid off, or built except they have a right-of-way twenty feet wide, and a road bed fourteen feet wide. The Board would entertain and dispose of all petitions to open, close, or change roads, exercising the right of eminent domain whenever necessary and proper.
 8. Private Acts of 1917, Chapter 539, amended Private Acts of 1915, Chapter 606, by deleting Section One and adding a new Section One which provided for a three member Board of Road Supervisors, one of whom shall be appointed as Chairman and Superintendent of Roads by the County Judge, and the Chairman would then appoint the other two members, one of whom would be designated as the Secretary. Terms were for two years, and vacancies would be filled in the same manner in which the original appointments were made. The salary of the Superintendent would be set by the County Judge, while the Secretary would be paid \$150 a year, and the other member of the Board \$2 per day. The total amount of money to be spent by the Board of Supervisors could not exceed the amount of taxes to be collected from all sources for that purpose.
 9. Private Acts of 1919, Chapter 451, stated that the Quarterly County Court would appoint a Road Supervisor in each Civil District for two year terms who would have charge of the roads in the District. He must be a resident of the District and be sworn and bonded when appointed. The Road Supervisor must keep accurate records of all expenditures for labor, materials, use of tools and equipment, etc., and the accounts must be approved by the County Judge. The Supervisor would be paid \$2.50 a day up to 20 days a year. The tax assessor would assess all those subject to labor on the roads the sum of \$7.50 which could be worked out by the hands at the rate of \$1.50 per day. The Supervisors would appoint overseers for each Section of the roads in their District who would first work the number of days assigned to road hands without compensation then be paid \$2 per day for all in excess of that number up to \$10.00 per year. The Quarterly Court was authorized to levy a special road tax of 20 cents per \$100. This Act was repealed by

Private Acts of 1939, Chapter 571.

10. Private Acts of 1921, Chapter 690, amended Private Acts of 1919, Chapter 451, by correcting the population figures so as to make the 1919 Act apply to Wayne County. The Act also amended details as to road hands and owners of wagons and teams. This Act was repealed by Private Acts of 1939, Chapter 571.
11. Private Acts of 1921, Chapter 717, provided that any person, firm, or corporation operating a turnpike, or toll road, in Wayne County is authorized to charge the amount of tolls scheduled in this Act for the vehicles using the road or turnpike. The schedule ranged from five cents for a one-passenger motorcycle to \$1.25 for a five ton truck, and the amount specified was the maximum amount which could be lawfully charged.
12. Private Acts of 1929, Chapter 211, was the authority for the Quarterly Court of Wayne County to transfer from the Sinking Fund created for the purpose of retiring bonds issued by the County for highway purposes under the authority of Public Acts of 1913 (Ex. Sess.), Chapter 26, as amended, an amount not to exceed \$10,000, to such other account or accounts as the County may deem to be in the best interests of the County.
13. Private Acts of 1931, Chapter 697, stated that the State Highway Department shall have and exercise full control, direction and supervision over the expenditure of all funds received by Wayne County for road purposes from the State from all sources, whether they arose from auto registration fees, or gasoline taxes. The Wayne County Highway Commission shall select the bridges to be built, or repaired, plus the roads to be worked on, and the State Highway Department shall spend the funds on the bridges and roads thus selected by the Commission. This Act was repealed by the Private Acts of 1935, Chapter 333.
14. Private Acts of 1935, Chapter 333, gave the Tennessee Department of Highways and Public Works full control, direction, and supervision over the expenditure of all funds payable to Wayne County from all sources for road and highway purposes. The Commissioner of the Department of Highways and Public Works would designate someone in Wayne County to be the County Highway Supervisor who would be in immediate charge of the programs in that county and who must be experienced in that line of endeavor. The County Supervisor was required to keep the State District Engineer advised fully of plans in Wayne County and would fully cooperate with him at all times. The State would remit to the County Trustee all the funds of this nature to be dispensed on the voucher of the Supervisor who would also make monthly reports to the Commissioner. The Supervisor would serve two years and be paid \$1,500 per year. This Act was declared unconstitutional by the Supreme Court in Hassell v. Walters, 170 Tenn. 206, 93 S.W.2d 1268 (1936). The court stated that this act deprived the county of control over its revenues which was contrary to the general law and it violates the constitutional provision requiring county offices created by the legislature to be filled by the people or the county court.

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