



July 03, 2024

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# Road Law

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# Road Law

## Private Acts of 1915 Chapter 204

**SECTION 1.** That for the purpose of providing a more efficient system of laying out, building and repairing the public roads in this state in Counties having a population of not less than 89,000 nor more than 90,000 by the Federal Census of 1910 or by any subsequent Federal Census, the highways in said Counties shall be classified as County pikes and district roads. The pikes shall consist of those main thoroughfares leading from the County seat of such Counties, to be designated as hereinafter provided, and the district roads shall consist of those which lead from the pikes into or through the several road districts into which the County may be divided.

**SECTION 2.** That it shall be the duty of the County Court of the Counties to which this Act applies, at any regular quarterly Court held after the passage of this Act, or at a special term or terms of the quarterly Court, to be called for that purpose by the Chairman or County Judge, to designate by order or orders those thoroughfares which shall constitute and be known as pikes. The orders of the Court shall set forth the termini, course, name, width and other description of said road, sufficient for its identification, and a certified copy of the same shall be filed with the City Council or the Board of Commissioners of the municipal corporation being the County seat of said County; it shall be the duty of the said City authorities to approve or reject in whole or in part, the order of the County Court, and no road shall be a pike within the meaning of this Act, except as its designation by the County Court is ratified and approved by the said City authorities.

The County Court shall, in the same manner, but without the concurrence of the City authorities, designate the highways leading to or forming connections with the several pikes designated as aforesaid, which shall be known as the district roads of the County. They shall be classified by their width, use and other circumstances, as the Court may deem advisable, having due regard to the interest of the public in the same.

**SECTION 3.** That the County engineer of said County shall furnish to the County Court for its aid in the performance of the foregoing duties, such description as he may possess or can obtain, of the existing public roads.

It shall also be his duty, after the pikes and district roads have been designated, as hereinbefore provided, to prepare a complete map of all the pikes public roads of the County. Any highway which may, from time to time, be designated as a pike or district road, shall be placed upon said map so that it shall at all times show the complete system of the Country's [sic] public roads.

From and after the first day of January, 1916, no public work or funds shall be expended in repairing or maintaining any pike or district road not shown upon said map.

**SECTION 4.** that [sic] it shall be the duty of the Superintendent of Roads, and the County Engineer to divide, whenever practicable, the several parts of the County lying between the pikes, into road districts and indicate the same by lines and number on the map to be prepared as hereinbefore directed. Each of said districts shall embrace as nearly as possible, the territory having a common interest in the same roads or system of Roads, and so as to provide that the district tax and poll assessments for road purposes may be expended on the roads in which the tax payers have a local interest. The districts may be changed from year to year, as may seem advisable, and as the welfare of the County and districts may require. If not so divided, then the territory lying between the several pikes or between a pike and navigable river shall constitute the road districts.

**SECTION 5.** That the County Court of the Counties coming under the provisions of this Act shall at the April or July term of each year levy a tax upon all taxable property of the County not exceeding twenty cents (20¢) on the One Hundred (\$100.00) Dollars, which funds shall be annually apportioned as hereinafter provided, among the various pikes of the County according to the importance and condition of such pikes, and no part of which shall be expended, except on the pikes of the County designated as hereinbefore directed; provided, this tax shall be levied only on property outside the corporate limits of the City of Chattanooga.

The County Court shall, at the same time, and in addition to the tax already provided for, levy a tax of not exceeding twenty cents (20¢) on the One Hundred Dollars for the purpose of constructing and repairing district roads, which tax shall be apportioned to and spent on the district roads in the road districts hereinbefore provided for, when said tax is collected.

As amended by: Private Acts of 1915, Chapter 567  
Private Acts of 1933, Chapter 644

Private Acts of 1949, Chapter 794

**SECTION 6.** That the workhouse or public prisoners of the County shall be used in repairing or building any highway or public road of the County, or in preparing material to be used therefor.

As amended: by Private Acts of 1929, Chapter 914

**SECTION 7.** That in Counties coming under the provisions of this Act there shall be and is hereby created a Board of Highway Commissioners to consist of three members, citizens of the County, who will hold their respective offices for two years, and until their successors are elected and qualified. No state, County or municipal office holder or Justice of the Peace shall be eligible to a place on said Board, and not more than two members thereof shall be of the same political faith. The Chairman of said Board shall receive a salary of \$900.00 per year, and each of the members of said Board shall be paid the sum of \$600.00 per year for their services as such Commissioners, and they shall be entitled to have paid all expenses actually incurred in the performance of their duties as such Commissioners, the same to be paid out of the County Pike Funds.

As amended: by Private Acts of 1929, Chapter 914  
Private Acts of 1929 (Ex. Sess.), Chapter 43

All or either of the said Commissioners shall be removed from office by the Circuit Judge, the Chancellor and Criminal Judge of said County, sitting together on the petition of any ten taxpayers thereof sustained by proof that such Commissioners have knowingly and wilfully let any contract, directed any road work to be done, or employed any person to secure votes for any candidate for office, or to aid in carrying an election, or that they have been guilty of any other wilfull breach of duty, which, in the opinion of the Court, requires their removal in the interest of the public welfare.

That the County Judge and the County Highway Commission of Hamilton County, Tennessee, are hereby authorized to appropriate and use all surplus funds arising from any and all bond issues heretofore authorized for the sale of county bonds for public purposes, or the surplus of any and all bond issues hereafter authorized or made, and to use the surplus funds for the building of a line of belt highways and roads in Hamilton County, and for the building of highways crossing the belt lines so as to connect the belt lines with the main highways, and to provide as far as possible for a new road from Eastdale to the Chattanooga Municipal Airport, and these expenditures of surplus bond issues shall be directed and authorized jointly by the County Judge and the Hamilton County Highway Commission of said County.

As amended: by Private Acts of 1929 (Ex. Sess.), Chapter 43

**SECTION 8.** That the first members of the Board of Highway Commissioners shall be elected by the County Court of the said County at its first quarterly session after the passage of this Act or at any special quarterly session called for that purpose, to serve until their successors are elected at the regular July term of said Court in the year 1916. The first regular election of the members of said board shall be at the said July term 1916 and the succeeding members at the July term bi-annually thereafter. All vacancies on said board shall be filled by elections held at any regular or special quarterly term of the Court.

Except in cases of vacancy in either of the offices of Superintendent of Roads or Superintendent of the workhouse existing under the law now in force in such Counties, said Board of Highway Commissioners shall make no appointments to either of said offices as hereinafter provided, but the persons elected to said positions shall continue to discharge the duties thereof to the end of their respective terms subject to the provisions of this Act.

**SECTION 9.** That said Board of Highway Commissioners shall manage and control all the pikes, public roads and bridges in such Counties, and the County workhouse of the County, subject to the provisions of this Act, and the laws of the State with reference thereto. Said Board shall have control of the disbursement of all funds collected by taxation or otherwise, for the construction, maintenance and improvement of the pikes, district roads, and bridges. And for the maintenance and operation of the County Workhouse. It shall superintend the letting of all contracts for the construction and repair of the pikes, roads and bridges and for the purchasing of supplies and materials for use on the same or in connection with the workhouse department.

Said Board shall cause to be kept at its office in the County Court house of the County a minute record of all its transactions, and except as hereinafter provided for, no debt or obligation shall be incurred or contract entered into except at a regular meeting of said Board, with at least two members present and assenting thereto, which assent shall be entered upon the minute book, and signed by at least two members, before the same shall become operative or binding; provided, however, that in case of emergency, the Superintendent of Roads may take repairs or buy supplies not exceeding the sum of twenty five dollars in value, a report of which shall be made at the next session of said Board.

Said Board shall meet monthly on the Tuesday after the first Monday for the purpose of letting all contracts for pike or road building or repairing, or for machinery or supplies, that have been duly advertised; for such directions as may be necessary as to the use of the workhouse or County prisoners;

the auditing of all accounts; the settlement with contractors; the giving of orders for warrants payable out of the pike or district road funds; and for the transaction of such other business as may be required of them in the performance of their duties as such Commissioners.

**SECTION 10.** That it shall be the duty of the Board of Highway Commissioners annually to divide the pike funds of the County among the various pikes, according to the importance and condition of such pikes, and to let contracts for the construction of the same, out of permanent material, provided that no contracts in any year shall be let exceeding the annual levy for such purposes.

**SECTION 11.** That the County Engineer of said County shall perform for such Board all the engineering service that may be required for opening, changing or grading, any public pike or road, or in preparing estimates for letting contracts for any pike or roadwork, and he shall actually prepare specifications for the work to be done, in building out of permanent material such parts of the pikes as may be directed by said Board. It shall be his duty, at least once each month, to pass upon the work of all contractors, make and furnish estimates to said contractors for work done, reserving, however, ten per cent of the contract price until the work of such contractor is completed and accepted on his certificate that the same has been completed in accordance with the terms of the contract. He shall cause bonds in such amounts as may be directed by the Board to be executed by each contractor, payable to the said County, and conditioned for the faithful performance of the said contract. He shall be present during all final settlements made between the Board and pike contractors, and then report the full condition of the work that has been done.

As amended: by

Private Acts of 1929, Chapter 914

Said County Engineer shall also perform such engineering work as may be required by the Superintendent of Roads in repairing the County pikes or the district roads, and shall prepare the specifications for such work as may be let to contract on any of said roads.

**SECTION 12.** That said Board of Highway Commissioners shall, at the expiration of the term of office of the present incumbent, elect a Superintendent of Roads, who shall be a competent, and skilled road builder, and shall devote his entire time to the duties of his office. Before entering upon the duties of his office, he shall execute and deliver to the County Court Clerk of the County a good and solvent bond in the sum of ten thousand dollars payable to the State of Tennessee, to be approved by the County Judge, for the faithful performance of his duties, the costs of said bond to be paid out of the road funds.

It shall be the duty of the Superintendent of Roads to visit and examine all the pikes and roads of his County before and after they have been worked, and report the condition of the same and the progress of any work being done thereon, at least once each month, to the Board of Highway Commissioners. At the regular meetings thereof, he shall recommend to the said Board all work which he deems necessary for the purpose of repairing any of the pikes of the County, and whether the same shall be done by the County prisoners or out of the public funds levied as hereinbefore provided. He shall have charge and control of the building and repair of all district roads in the County and shall recommend what parts of said roads shall be annually built or repaired by contract and how the same shall be done. He shall be responsible for the condition of all pikes not built out of permanent material and which have not been placed under the jurisdiction of the County Engineer for the purpose of being placed under contracts as hereinbefore provided.

He shall also be responsible for the condition of the district roads, and shall have control and the superintendence of the district Commissioners hereinafter provided for. He shall with the advice and approval of said board have power to employ locomotive engineers and other employes. Said Board of Highway Commissioners shall also, at the expiration of the term of office of the present incumbent, appoint a superintendent of the workhouse, who shall have special charge of the workhouse of the County under such orders as the said Board may from time to time, make, and shall work the County prisoners upon such pikes and at such places, as the said board may direct. He shall give his entire time to the performance of his official duties as such and shall keep himself fully informed as to the condition of the workhouse, the treatment of the prisoners therein, the sanitary condition thereof, and all other facts necessary to the proper, healthful and efficient management of the workhouse. He shall, with the advice and approval of the Board of Highway Commissioners make such rules and regulations for the government of the workhouse as may secure the cheapest and best administration of the same. He shall, with the advice and approval of the said board, have power to employ guards at the workhouse and such other engineers, employes, and foreman, as may be necessary. It shall be his duty to advise the Board of Highway Commissioners of all the supplies that may be needed for the workhouse at each regular meeting of the said Board, and shall give such other information as may be called for by the Board, from time to time.

Said Board of Highway Commissioners shall also appoint a Clerk, whose duties it shall be to be present at the office of said Board at all times, to keep a minute record of all of its meetings, and an account of the

road funds and apportionment of the same among different pikes and road districts, and an account of all of the expenditures made by said Board; its compensation shall be fixed by said Board of Highway Commissioners, not exceeding \$250.00 per month. The Superintendent of Roads elected by said Highway Commissioners shall receive a salary to be fixed by said Board not exceeding \$300.00 per month. Same to be paid out of County Pike Funds.

As amended by: Private Acts of 1915, Chapter 567  
Private Acts of 1917, Chapter 572  
Private Acts of 1929, Chapter 914

Said Board of Highway Commissioners shall have the right to elect such other assistants and employes that may at any time be required.

Said Board of Highway Commissioners shall have the right to elect or appoint not to exceed two patrolmen who shall be known and designated a Highway Patrolmen for Hamilton County, whose duty it shall be to patrol the public highways of Hamilton County for the preservation of said highways, and said patrolmen shall have the authority to arrest any person violating any of the laws of Tennessee pertaining to said highways; they shall be clothed with the same authority as deputy sheriffs, to execute and serve any warrant, writ, or summon placed in their hands, and such service shall be legal and binding; they shall look out for breaks, washouts or any needed repairs on said highways, and report the same to said Highway Commission at once. Said patrolmen shall be paid a salary not to exceed \$150.00 per month to be fixed by said Highway Commission.

As amended by: Private Acts of 1929, Chapter 721

**SECTION 13.** that [sic] said Board of Highway Commissioners shall have the right to let contracts for the purchase of all necessary road machinery, including rock crushers, road rollers, graders and such other machinery as may be deemed essential. They shall also have the power to lease or purchase one or more rock quarries, and shall have the right to work the same in obtaining macadam or other material ro road building, either by County prisoners or by contract as shall be deemed to the interest of the County.

It shall also be the duty of said Board to let contracts quarterly for such supplies as it may be necessary to purchase for the workhouse or for use on any of the pikes or roads, which contracts, may be let by advertisement or by taking bids from five or more responsible houses on the different lines of goods which may be required. All supplies that may be purchased shall be charged to the Board of Highway Commissioners, and bills for the same shall be delivered to the Clerk of said Board, who shall charge the same to the proper accounts.

**SECTION 14.** That the Board of Highway Commissioners shall appoint a competent person, a resident of each district, to be known as district Commissioner, who shall hold his office during the will of the Commission and whose compensation shall be one dollar and a half (\$1.50) for each day he is actually engaged in the performance of the duties required of him.

It shall be the duty of the district Commissioner, with the advice and approval of the Superintendent of Roads, to divide the roads of his district into road sections not exceeding five miles each. To number said sections and apportion the road tax of his district among the various sections of his district according to their needs and importance. To assign the road hands of the district to proper sections so that every such hand shall work upon the road section, most convenient to his residence, and no road hand shall be required to work upon any road section other than that of the place of his residence.

All citizens between twenty one and forty five years of age who shall be within that limit on the 10th day of January, shall be required to work on the roads of their respective sections such number of days as may be levied by the quarterly County Court, not less than two nor more than ten days, in any one year. Such citizens may furnish an able bodied substitute, but no district Commissioner shall receive any payment in lieu of labor due the road, but when necessary he may allow credit for two and one half days' work for a two-horse team and wagon or plow with driver. Any citizen subject to work on the roads of his district, may in lieu thereof pay to the Clerk of the Board of Highway Commissioners at the rate of one dollar per day for each day's labor assessed against him and not performed.

As amended by: Private Acts of 1915, Chapter 567

The district Commissioners shall, with the Superintendent of Roads, make recommendations to the Board of Highway Commissioners as to the manner of expending the taxes due said district and the contracts for work therein, on the district roads, may be let on the plans agreed upon and adopted, to the said district Commissioner or any citizen thereof upon his giving satisfactory bond to faithfully perform such contract as may be let to him.

Said district Commissioner shall report to the Board of Highway Commissioners the division of the roads of his district into sections as soon as practicable after the same are made, designating each section by number and giving its limits.

He shall keep a list of all persons subject to road work and shall require eight hours of actual labor each

day from each road hand on his section and shall see that all requirements of the Superintendent of Roads are observed in repairing or building the same. Any road hand who shall not perform the labor required of him and shall fail to pay to the Clerk of the Board as hereinafter provided, shall be reported to the Justice of the Peace, of the Civil district, who shall enter judgment against such road hand at the rate of one dollar a day for the days of work assessed and not performed, together with the cost of the case. No property shall be exempt from execution in the enforcement of the payment of such judgment.

**SECTION 15.** That no person, firm, or corporation shall open, tear up or dig any ditch or trench in any pike or public road under the control of the Board of Highway Commissioners, for the purpose of laying any pipes, or placing any poles thereon, or for any other purpose, without first obtaining the written consent of the Superintendent of Roads, and giving to him a bond or sufficient assurance that said person making such application and going such work shall restore the road or pike in as good condition as it was before said work was done.

**SECTION 16.** That no contract shall be made or funds expended by said Board, in any one year exceeding the tax levied for said year, or whatever may remain unexpended out of previous assessments. All funds assessed for pike and district road purposes shall be collected by the County Trustee, as now provided by law and shall be paid out on the warrants of the County Judge on orders signed by the Superintendent of Roads, and countersigned by at least two members of the Board of highway Commissioners. No warrant shall be issued except as the accounts of the Board are audited and approved at their regular monthly meetings.

**SECTION 17.** That all applications to open, change or close any of the public roads of the County shall be made by written petition, signed by the applicant, to the Superintendent of Roads, specifying in particular the changes or action asked, but no road shall be opened, changed or closed after the same has once been placed upon the map hereinbefore provided for, without giving at last [sic] five days' notice to all parties interested, of the time said road or roads are to be opened changed or closed; and the County Engineer may, if necessary, be called upon to locate the same. Land owners and those controlling land touched by the proposed highway shall be deemed interested parties. If any owner of land so concerned is a non-resident, then notice to his agent or attorney, if such agent or attorney resides in the County, shall be sufficient. If there be no such agent or attorney, then notice shall be given by publication for four consecutive weeks in the newspaper having general circulation in the County, the hearing. The Superintendent of Roads shall attend at the appointed time and place, if the proper notice has been given as herein require, he shall act upon the application; he shall summon three disinterested free holders who shall be in no wise related to any of the parties affected, who shall take and subscribe to an oath before said Superintendent to act without favor or partiality in the matter whose oaths shall become part of the record, and said freeholders shall constitute a jury of view, and shall proceed to condemn said property and assess the damages, which shall be paid out of the general fund raised for County purposes, upon the order of the Board of Highway Commissioners on the County Judge, who shall issue his warrant therefor.

Any person or persons considering themselves aggrieved by the action of the jury of view may appeal to the next quarterly County Court, and from there to the Circuit and Supreme Courts.

Such jury of view shall receive one dollar per day for their services, which shall be paid out of the general County funds upon the order of the Superintendent of Roads upon the County Judge or Chairman, upon which he shall issue his warrant if he approves the same.

**SECTION 18.** That in rebuilding County pikes as hereinbefore provided, out of permanent material the County Engineer shall be authorized to make such changes in the location of the road or roads as may be necessary to avoid heavy grades, and it shall be the duty of the Superintendent of Roads to reduce the grades on all roads under his jurisdiction as far as judicious expenditure of the means at his command will allow, by cutting down sharp points, embankments and hills.

**SECTION 19.** that [sic] the Board of Public Road Commissioners shall formulate a system of rules and regulations for the repair of all of the pikes and public roads of the County and that all work done in the construction or maintenance of said roads shall be in accordance with said rules which shall tend to the production of a system of permanent highways.

**SECTION 20.** that [sic] this Act take effect from and after its passage the public welfare requiring it.

Passed: April 1, 1915.

**COMPILER'S NOTE:** See Private Acts of 1943, Chapter 326, reproduced herein under Law Enforcement and Highways-Roads, for an amendment to this act authorizing the use of prisoners to work on county-owned farmland.

## Private Acts of 1943 Chapter 326

**COMPILER'S NOTE:** The General Assembly did not designate where this Act should be placed in Chapter 204 of the Private Acts of 1915. Therefore, it has been reproduced in full.

**SECTION 1.** That Chapter 204 of the Private Acts of the General Assembly of the State of Tennessee for the year 1915, and any and all amendatory Acts thereof be and the same are hereby amended so as to provide as follows:

**SECTION 2.** That the Department of Highways and Public Works of Hamilton County, Tennessee, may work and use its County Convicts and prisoners in farming and cultivating any lands or farms owned or operated by Hamilton County, Tennessee.

**SECTION 3.** That all laws and parts of laws in conflict with this Act are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 5, 1943.

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