



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter IX - Highways and Roads

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Table of Contents

<b>Chapter IX - Highways and Roads .....</b>	<b>. 3</b>
<b>Road Law .....</b>	<b>. 3</b>
<b>Private Acts of 1959 Chapter 61 .....</b>	<b>. 3</b>
<b>Highways and Roads - Historical Notes .....</b>	<b>. 4</b>

# Chapter IX - Highways and Roads

## Road Law

### Private Acts of 1959 Chapter 61

**SECTION 1.** That in Warren County, Tennessee, the office of Superintendent of Roads is hereby created, who shall be the executive head of the road department of said county. The Superintendent of Roads shall be a person competent to perform the duties prescribed for him. He shall not hold any other public office and shall be provided with an office, at which he shall keep all records, reports and accounts required by the provisions of this Act. Prior to taking office the Superintendent of Roads shall take an oath to well and truly perform the duties of said office to the best of his skill and understanding, and shall also execute a corporate surety bond, to be approved by the County Judge, said bond to be in the amount of Fifteen Thousand (\$15,000) Dollars, to be conditioned upon the faithful performance of his duties and the proper accounting for all funds and property coming into his hands. The premium on said bond to be paid out of the road fund of said county. The Superintendent of Roads shall receive a salary of \$6,000.00 per annum, payable in equal monthly installments on the first day of each month out of the County Road Fund.

As amended by: Private Acts of 1969, Chapter 110  
Private Acts of 1971, Chapter 100  
Private Acts of 1998, Chapter 107

**SECTION 2.** That the term of office of the Superintendent of Roads shall be for two years and until his successor is elected and qualified. The Superintendent of Roads shall be elected by the qualified voters of the county at the general election in August, 1960, and biennially thereafter. He shall take office on the First Monday in September after his election. No member of the County Court shall be eligible for the office of Superintendent of Roads.

**SECTION 3.** That the Superintendent shall be charged with the following duties:

- (a) To have the general supervision over the construction, repair and maintenance of all roads, bridges, gravel pits and other like structures which form a part of the county highway system.
- (b) To employ such labor as he may deem necessary for the efficient construction, repair and maintenance of the highway system of said county, to fix wages and pay schedules for all such employees, and to discharge, lay off and otherwise control all such employees.
- (c) To act upon all applications to open or close roads and to take such action thereon as he may deem to the best interest of the county highway system.
- (d) To have charge of all county highway equipment and property of every kind and description, and to make an inventory thereof and keep the same current on the records of the department, subject to inspection by any interested citizen during office hours; and to report such inventory to the Quarterly County Court at each regular meeting.
- (e) To keep a full and accurate account of all disbursements made from the highway or road fund. Disbursements from the road fund shall be made only upon warrant of the Superintendent of Roads, to be countersigned by the County Auditor, drawn on the County Trustee, accompanied by a statement showing what said payment is for, the time for which payment is made and itemized amounts thereof, which statement shall be preserved in the office of the County Auditor.
- (f) To store and preserve all equipment belonging to the County Highway Department when not in use, and to prohibit the use of any part thereof on business other than that for highway purposes.
- (g) To make the County Auditor a monthly report showing all employees of such highway department, the rate of pay of each, the number of hours worked by each during such month, and all equipment and supplies purchased from highway funds during said month.
- (h) To make and file in the office of the County Court Clerk at least 2 days prior to each regular session of the Quarterly County Court, a report, itemized in form, of all expenditures made from the highway fund during such quarter, and where equipment or rock be purchased, such report shall show the nature of the purchase, the person from whom purchased and the price paid therefor.
- (i) To file with the County Auditor on or before June 1 of each year a budget detailing the anticipated income of the department and the proposed expenditures of the department for the coming year, which shall be carried in the consolidated budget prepared by the County Auditor for consideration and approval of the Quarterly County Court at the July term; and it shall be unlawful for the Superintendent to exceed expenditures provided in the budget approved by the Quarterly County Court, and he shall be subject to removal from office for a violation of this provision, unless the County Court specifically approve such expenditure by way of amendment to the budget.

**SECTION 4.** Purchases of all equipment, rock, machinery, and other supplies of every description, including contracts of every kind, shall be made by and through the Purchasing Commission of Warren County under the terms provided in the Purchasing Commission Act of 1951; provided, however, that the superintendent shall have the authority to make purchases in accordance with Tennessee Code Annotated, Section 54-7-113 for items which may be required for the efficient operation of the department, an itemized statement of which shall be filed with the County Auditor each month showing the amount of expenditure and the items purchased and the price thereof.

As amended by: Private Acts of 1980, Chapter 221  
Private Acts of 2005, Chapter 13

**SECTION 5.** That the Superintendent of Roads is hereby authorized and empowered to employ a secretary or clerk and to fix the compensation for such clerical assistance not to exceed \$5,400.00 per year, which salary shall be paid out of the road fund. Said Superintendent of Roads is allowed an expense account of twelve hundred (\$1,200.00) dollars per year, in addition to salary, to be paid out of the road funds. County Road Fund.

As amended by: Private Acts of 1961, Chapter 5  
Private Acts of 1965, Chapter 31  
Private Acts of 1969, Chapter 109  
Private Acts of 1971, Chapter 101

**SECTION 6.** That the Superintendent of Roads, with the approval of the County Judge and County Auditor, shall have the authority to contract with any State or Federal agency by which the road funds of said county may be supplemented or augmented, or by which additional employees may be employed on road work or road construction or repairs or whereby additional repair and maintenance may become available.

**SECTION 7.** That neither the Superintendent of Roads nor any employee of the road department shall lend or use for other than public road purposes any county-owned equipment, machinery or supplies, nor sell, lend or use the same for the purpose of working upon, repairing, maintaining or constructing any road, not a part of county road system, building and equipment, or for any other private purpose. Any violation of this section is hereby made a misdemeanor, and anyone guilty thereof shall, upon conviction, be subject to a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars.

**SECTION 8.** That this Act take effect from and after its approval by the Quarterly County Court of Warren County as hereinafter provided, the public welfare requiring it; however, the operation of this Act is suspended until September 1, 1960, when the term of office of the present County Board of Highway Commissioners shall expire, at which time Chapter 132 of the Private Acts of 1951, and all other laws or parts thereof in conflict with this Act, shall be repealed.

**SECTION 9.** That the General Assembly expressly declares that each section, paragraph, or clause of this Act is severable, and that should any portion of this Act be held invalid or unconstitutional that portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 10.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Warren County, Tennessee, on or before the next regular meeting of said Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or reverse, and shall be certified by him to the Secretary of State.

Passed: February 17, 1959.

## Highways and Roads - Historical Notes

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

1. Acts of 1819, Chapter 169, permitted John Rogers and Charles Sullivan to lay out, build, and operate a turnpike road from McMinnville in Warren County to the seat of justice in Marion County and they would be bound by the same terms and conditions as the proprietors of the turnpike from the Sequatchie Valley to the foot of the mountain in Warren County.
2. Acts of 1821, Chapter 6, may have been the first act which required the county courts of the counties to classify and list the roads in their respective counties into three distinct classes: 1) stage roads, to be kept up, causewayed, bridged, milemarked, and indexed, along with other roads of equal importance; 2) roads of at least 12 feet in width, which would be maintained at a

- level a little less than first class; and, 3) roads wide enough for passage of a single horse and rider. Those roads leading to mill or market would be bridged or causewayed.
3. Acts of 1822 (2nd Sess.), Chapter 171, recited that one, Joseph Franks, who had been authorized to build a turnpike in a certain area, had failed to do so, and had moved before the road was open; therefore, Thomas Hopkins was subsequently clothed with all the rights of Franks, provided always, that neither the said Hopkins, nor his gatekeeper, would demand any toll from any citizen of White or Warren Counties who passed from one county to the other on their common, ordinary business or pleasure.
  4. Acts of 1823, Chapter 72, allowed Christian Shell to build a bridge across the Collins River near the mill he owned, and required the County Court to set the toll rates Shell could charge for passage over the bridge provided he kept it in good repair at all times.
  5. Acts of 1823, Chapter 124, declared that the road leading from Benjamin Hill's to John Rain's, across Cumberland Mountain, was established as a road of the second class. Warren and Bledsoe County Courts would appoint three overseers for each section of the road with enough road hands to keep the road in the manner fixed by this Act and any person felling a tree so as to block the road would be subject to a fine after prosecution.
  6. Acts of 1826 (Ex. Sess.), Chapter 108, Section 3, appointed Adam Dale of White County, and Jesse Allen of Warren County as commissioners to examine the turnpike road of Jesse Lincoln's running from Sparta to Liberty and decide whether all the specifications for the road had been met.
  7. Acts of 1826 (Ex. Sess.), Chapter 167, permitted Matthew W. Wright to build a good, usable bridge across the Collins River below the junction of Barren Fork with said river, and to charge tolls for the use thereof as the County Court of Warren County might direct.
  8. Acts of 1826 (Ex. Sess.), Chapter 180, required the County Courts of White and Warren Counties to fix the tolls and rates which Peter Buram [sic] and Thomas Hopkins may charge for crossing their bridge across the Caney Fork River.
  9. Acts of 1831, Chapter 5, allowed Rock Island William Martin to build a toll bridge across Collins's river at Reads old ferry, where the stage road from Sparta to McMinnville crossed the river; obligated the County Court of Warren County to fix the rates of toll; and, named John Cain and William White as Commissioners for the road and bridge.
  10. Acts of 1831, Chapter 74, exempted Jesse Savage from having to pay any taxes on his turnpike road for the term of two years.
  11. Acts of 1832, Chapter 34, names 26 incorporators, all residents of Warren County, who were authorized to open books and subscribe stock to the McMinnville Turnpike Company which shall build a turnpike from Murfreesboro to the top of Stones River Ridge in Warren County by way of Danville. The Act establishes limits for the stock sale and the conditions and standards under which the road would be constructed.
  12. Acts of 1832, Chapter 105, Section 6, authorized Jesse Allen to open a turnpike road, to begin where that road established by Jesse Lincoln and William Usery of White County left the road from Sparta to Liberty in Smith County and extended with the then-present road to the point where Lincoln's and Usery's turnpike road proposed to intersect the same.
  13. Acts of 1833, Chapter 48, appointed John Rodgers, Esquire, of Warren County, and Elliot Boyd, of Bledsoe County, as Commissioners of the turnpike road from the foot of the mountain near Benjamin Hill's in Warren County to the foot of the mountain in Bledsoe County, with all the powers, privileges, and emoluments of other commissioners.
  14. Acts of 1835-36, Chapter 20, appointed William Armstrong, Jacob Woodley, and Abner Woodley as Commissioners to let out a bid to build a turnpike from, at, or near, Pinnacle Road towards Cumberland Mountain and thence down to the foot of the mountain in Warren County. The road was to be inspected and operated under the schedule of tolls set forth in the act.
  15. Acts of 1843-44, Chapter 213, Section 4 revived the acts which had expired in regard to a turnpike to be built by the McMinnville Turnpike Company from that city to Murfreesboro by way of Woodbury.
  16. Acts of 1843-44, Chapter 225, re-authorized Thomas Mabry to construct a turnpike. Authorization had been previously granted to Mabry, John Payne, and William Worthington, but the time period within which the road was to be built had expired. The Act described the route for the road; granted rights for two toll gates, no nearer than fifteen miles of each other; and, set the rates to be charged. The road was to run through Van Buren County and across the mountain to a point at

- or near Gordon's Iron Works in East Tennessee.
17. Acts of 1901, Chapter 136, was the first general road law passed by the state. This one applied to all counties under 70,000 population according to the 1900 census, and furnished the pattern for virtually all the road laws which followed. There would be Road Commissioners from each civil district whose duties were prescribed in the act. It established the qualifications of overseers and road hands; the length of their service; the manner and amount of their commutation; the specifications for building roads; the procedure to be followed for opening, changing, or closing roads; and, granted the county courts the right to designate the roads upon which work would be forthcoming. This Act was referenced in *Stokes v. Dobbins*, 158 Tenn. 353, 13 S.W.2d 322 (1929).
  18. Acts of 1903, Chapter 242, amended Acts of 1901, Chapter 136, above, by adding the provision which directed what funds were to be devoted to the building or making of roads in a district; and specifications for those macadamized roads.
  19. Acts of 1905, Chapter 478, also amended Acts of 1901, Chapter 136, by exempting some counties and changing a few of the procedures for opening, closing, and changing roads, and the standards for determining damages to any landowner.
  20. Private Acts of 1919, Chapter 84, created a Board of Public Road Commissioners of three members, with staggered terms of three years each, who would be elected by the County Court, or appointed by the County Judge if the court failed to act, and would organize by electing a chairman. The County Road Supervisor was to act as Clerk. The Board would meet at least quarterly; each member was to be paid \$75 a year and the chairman, \$100. A suitable, competent County Road Supervisor was to be employed, as well as district supervisors; also, the former was to be paid \$3.00 per day for a period of 300 days, and the latter were to be paid \$2.00 a day, not to exceed 30 days per year. They would have general charge of all roads, bridges, employees, and tools, would assign county prisoners to work on roads; and, keep proper records and submit them to the proper authorities. The County Court would levy a road tax from fifteen cents to twenty-five cents per \$100 property valuation. The Act also contains details regarding road duty, contracts for work to be done, procedures for the laying out of new roads, and what constituted unlawful acts.
  21. Private Acts of 1919, Chapter 581, amended the road law, above, by omitting Section 7 and rewriting the provisions for working on the roads. All males between 21 and 45 years of age were required to work five days or could commute the sentence by paying \$1.50 per day; also amended were schedules for those with teams and wagons were included in a revised state.
  22. Private Acts of 1920 (Ex. Sess.), Chapter 81, amended Acts of 1919, Chapter 84, by striking Section 6 and inserting a new section which provided that the County Court would levy a tax at the same time as other taxes were levied, not to exceed twenty cents per \$100 property valuation on property outside the corporate limits of cities, for general road purposes. There would also be a pike and bridge tax not to exceed twenty-five cents per \$100.00 of taxable property. The money would be used in the districts from which it was collected.
  23. Private Acts of 1921, Chapter 782, required the State to speedily construct those sections of State and Federal Highways which had been surveyed, laid out, and designated as such in Warren County. If work was not started within 30 days after notice to proceed was given to the State by the County Superintendent of Roads, he could apply to the courts for a writ of mandamus to compel compliance. The county would pay 1/3 of the cost thereof, but its failure to do so should not constitute cause for delay in the road construction.
  24. Private Acts of 1923, Chapter 33, specifically repealed the act referenced in Item 22, above.
  25. Private Acts of 1923, Chapter 311, amended Private Acts of 1919, Chapter 84, by repealing part of Section 2 and the remainder of the Act which dealt with the County Road Supervisor, thereby abolishing the position and giving all the authority conferred on him to the Board of Public Road Commissioners and the District Road Commissioners. A foreman to be appointed would act as the Clerk. This Act also amended Acts of 1919, Chapter 581, Section 1, by reducing the number of required working days for a wagon and team from 5 to 4; setting up a commutation rate of \$3.00 a day; and, raising the amount of the annual license for a truck based upon the size and weight of the vehicle.
  26. Private Acts of 1925, Chapter 402, amended the same acts as referenced in Item 24, above, so as to require all male inhabitants between the specified ages to work 2½ days instead of five and the commutation rate would be \$1.50 per day; the owners of wagons and teams would work only two days instead of four and commute at \$3.00 per day.

27. Private Acts of 1927, Chapter 88, amended Section 7 of Private Acts of 1919, Chapter 84, by requiring every person, firm, or corporation owning a wagon and team to pay a privilege tax of \$6.00, or work two days on the roads to pay for it; the rights of way for State and Federal Highways would be at least 60 feet wide; automobile owners and operators were to pay \$5.00, and truck automobiles were assessed \$20, \$40, and \$60 annually, according to size and weight, for the privilege of operating on the highways.
28. Private Acts of 1929, Chapter 20, specifically repealed Private Acts of 1927, Chapter 88, above, in its entirety.
29. Private Acts of 1929, Chapter 903, specifically repealed Private Acts of 1919, Chapter 84, and all subsequent amendatory Acts.
30. Private Acts of 1929, Chapter 904, was the subsequent Road Law for Warren County. A Board of Highway Commissioners was created, consisting of 16 members, one from each Civil District of the county, to serve for two-year terms. The Chairman of the Board would be paid \$100 annually, each member \$50 a year, and the Superintendent would receive \$1,200 annually. The Superintendent could be removed for cause by the Board at any time. He would have power to buy the road machinery and equipment and employ extra labor as needed. There was to be a bridge committee of five members created from the Board membership. The Act, several pages in length, contained all the basic provisions of the former act, as it was amended from time to time, with some variations in pay, in work days on the roads and commutation rates. This Act was amended by Private Acts of 1931 (Ex. Sess.), Private Chapter 97.
31. Private Acts of 1937, Chapter 677, was the next Road Law for Warren County, and contained a general repealing clause. The County Road Commission was reduced to five members, one from each of five road districts created in the Act. Their successors would be elected for two-year terms. Meetings would be held once a month, with the date to be published in the newspaper. The Chairman would get \$300 annually and the member \$100. The office of county road supervisor was created and would be elected biennially. Qualifications and salary were specified in the Act. The duties, powers and authority of the Board and the Supervisor were spelled out; the conditions for forced road labor were prescribed; and, the records and procedures required to be kept and followed were also referenced therein.
32. Private Acts of 1937, Chapter 875, repealed Private Acts of 1937, Chapter 677, Sections 21 through 26, which contained the mandatory work provisions of the Act.
33. Private Acts of 1939, Chapter 384, created a Board of Highway Commissioners composed of one County Highway Superintendent and sixteen Commissioners, one from each civil district to serve for two-year terms. The Superintendent could be removed by the Board for cause. There is not a great deal of difference between this and the preceding Acts except the salary of the Chairman would be \$100 and that of the members \$50 annually; the Superintendent would get \$1,500 per annum.
34. Private Acts of 1939, Chapter 427, specifically repealed Private Acts of 1937, Chapter 677 (Item 30, above).
35. Private Acts of 1943, Chapter 432, was an emergency Act which expired on January 1, 1945, and authorized the Highway Commissioners of Warren County to expend and disburse by warrant in any one month while there were outstanding or unpaid warrants, an aggregate amount not to exceed 60% of the net revenue receipts of the preceding month, including gas tax receipts, but the warrants must be approved and countersigned by the County Judge to be valid.
36. Private Acts of 1945, Chapter 67, was a duplicate of the emergency act above which expired under its own terms on January 1, 1945, but this Act did not have an expiration date.
37. Private Acts of 1945, Chapter 491, repealed Private Acts of 1939, Chapter 384, in its entirety.
38. Private Acts of 1945, Chapter 541, replaced the 1939 Road Law by returning to the five-member Board of Highway Commissioners, to be elected by the County Court for five-year staggered terms so that one would be replaced annually. The Board would meet monthly and members were to be paid \$5.00 a day for each day of regular meetings attendance. The Board would elect a Superintendent of Highways, who could be removed for cause; whose salary would be \$1,800 annually; and, who would conduct his office within the limitations of the law and as the Commission might direct him. The office of District Road Overseer was created for each civil district, to be elected by the voters of the district. The remainder of the Act was very similar in content to its predecessors.
39. Private Acts of 1947, Chapter 603, was the next Road Law, creating a Board of Road Commissioners composed of one Superintendent of Highways and sixteen Road Commissioners,

one from each civil district. It contained all the features of the preceding law, except the salary of the Superintendent was increased to \$2,400 annually, and an Executive Committee was created, composed of the Chairman, Vice-Chairman, the Superintendent, and two other members of the Board to be elected by the members. Said Committee was granted the authority to act for the Board in all matters of wages, places of work, time of work, purchase of supplies and equipment, and the use of equipment, in general.

40. Private Acts of 1951, Chapter 132, created a County Board of Highway Commissioners, composed of three members, to have general supervision and control over all county roads and bridges. The members would choose a chairman and a secretary. The Chairman was executive officer and was granted broad general powers. Members would be paid \$10 daily, not to exceed 15 days per year, for meeting attendance. A County Road Supervisor would be employed at a salary not to exceed \$2,500 a year, and would have direct supervision over all work done on the roads and bridges of the county. This Act was repealed by the current road law which is published herein.
41. Private Acts of 1955, Chapter 131, fixed the salary of the County Road Supervisor of Warren County at \$3,600 a year, payable in equal monthly installments from the county road funds.
42. Private Acts of 1957, Chapter 79, would have amended Private Acts of 1951, Chapter 132, Section 1, by making it illegal for the County Highway Commission to buy, contract for, or purchase equipment, machinery, material, or supplies in excess of \$500 without advertising for sealed bids, and observing all the procedures related thereto as stated in the Bill. It also intended to amend the amount of the Road Superintendent's bond; however, this act was rejected by the local Quarterly County Court and did not become law.
43. Private Acts of 1959, Chapter 62, amended Private Acts of 1951, Chapter 132, by requiring the Board of Highway Commissioners to go through the County Purchasing Commission for all purchases; the Board would be allowed \$500 a month to buy small items which may be required for the efficient operation of the road department. The Act changed the date of the regular meetings of the Board to the first Tuesday of each month.
44. Private Acts of 1961, Chapter 7, would have amended Private Acts of 1959, Chapter 61, Section 1, by changing the salary of the Road Superintendent from \$3,600 to \$4,800 per annum, but was rejected by the County Court of Warren County and did not become law.

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