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Road Law

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Road Law

Private Acts of 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.

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