



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

July 22, 2024

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 1943 Chapter 154

SECTION 1. That the County Highway Commission of Union County created by this Act is hereinafter referred to as "the Commission," and the members of the County Highway Commission of Union County are hereinafter referred to as the "Commissioners." The person holding the office of County Road Superintendent of Union County, which office is created by this Act, is hereinafter referred to as "Superintendent."

SEC. 2. That there is hereby created a County Highway Commission of Union County, and there is also hereby created the office of County Road Superintendent of Union County. The said County Highway Commission and Road Superintendent shall have general supervision and control over all county roads, bridges, and highways in Union County, except roads, bridges and highways which are constructed and maintained by the State or Federal Government, and over all road, bridge or highway funds now on hand or which may be hereafter raised or received from any source.

SEC. 3. That the Commission shall be composed of six members. Each of the Commissioners shall have been a resident of Union County for at least five years, shall be above the age of twenty-one years, shall not at the time of his election nor during his term of office be a member of the Quarterly County Court of Union County and no two of the Commissioners shall be residents of the same Civil District of said County. The Superintendent shall have been a resident of the County for at least five years, shall be above the age of twenty-five years, shall have some knowledge of the construction and maintenance of roads and bridges and of the maintenance of road machinery and shall not at the time of his election nor during his term of office be a member of the Quarterly County Court of Union County.

SEC. 4. That there shall be created in Union County six road districts as follows:
The First Civil District of said County as it now exists shall constitute the First Road District.
The Second Civil District of said County as it now exists shall constitute the Second Road District.
The Third Civil District of said County as it now exists shall constitute the Third Road District.
The Fourth Civil District of said County as it now exists shall constitute the Fourth Road District.
The Sixth Civil District of said County as it now exists shall constitute the Sixth Road District.
The Seventh Civil District of said County as it now exists shall constitute the Seventh Road District.

COMPILER'S NOTE: Section 4 and 5 is missing a "Fifth Road Distict." That is how it is written in the original Act.

SEC. 5. That the following are hereby named as the members of the Commission:
First Road District-----O. T. Needham
Second Road District-----L. F. Booker
Third Road District-----Arthur Cook
Fourth Road District-----Bernie George
Sixth Road District-----Horace McCarty
Seventh Road District-----B. F. Rouse

The above named Commissioners shall constitute the County Highway Commission of Union County until the next regular election for county officers, when the Commission shall be elected by the qualified voters of their respective road districts to hold office for four years and until their successors are elected or qualified.

In the event that a vacancy shall occur on the Commission by reason of the death, resignation or prolonged absence of a Commissioner, it shall be the duty of the remaining Commissioners to fill the vacancy by appointing a person from the District concerned, and the person so appointed shall fill out the unexpired term of the former Commissioner or until his successor is elected and qualified.
As amended by: Private Acts of 1990, Chapter 143

SEC. 6. That the Commission shall have full and complete control over all highway funds belonging to the County, whether raised by local taxation or received from the State, subject to the provisions of existing laws with reference to county aid funds received from the State.
The Commission shall have complete charge of all purchases for use in connection with the operation and maintenance of the county highway system. All purchases in excess of \$500.00, whether consisting of one item or more than one, shall be let to the lowest and best bidder. All bids filed shall be preserved by the

Commission for a period of two years from the date of letting of such contracts, and during this period shall be open to inspection at reasonable hours by any qualified taxpayer of the County.

As amended by: Private Acts of 1967-68, Chapter 162

SEC. 7. That the Commission is hereby authorized to open, close or relocate such roads as, in its judgment, may be necessary to provide an adequate and complete system of county highways, and for the purpose of opening or relocating the roads, the power of eminent domain is expressly conferred upon the Commission.

SEC. 8. That the duties and powers of the Commission shall be:

1. To exercise general supervision, control and management, through the Superintendent, over all public roads, bridges and highways of the County, over all quarries, gravel pits or banks, etc; over the construction of such roads, bridges and highways and over the repair, upkeep and maintenance of the same.
2. To lay out and classify all public roads of the County, and to divide them into sections or divisions as may be necessary or convenient for the proper construction, repair and maintenance of same.
3. To open, restore, close or widen any public roads in the County, and to procure rights of-way for such purpose either by purchase, gift or the exercise of eminent domain.
4. To reemploy the services of an attorney whenever deemed advisable, subject to the approval of the County Judge or Chairman.
5. To have the right and power to expend all funds and revenues for road and bridge purposes now on hand or which may be hereafter raised or received from any source, for the proper construction, repair and maintenance of county roads, bridges and highways.
6. To determine and designate the roads, bridges or highways on which any road funds on hand or any road funds which may be raised or received from any source, shall be expended by the Superintendent.
7. To purchase all tractors, cars, trucks, graders, supplies and any other road equipment, machinery, tools and implements and to provide for the upkeep, repairs and maintenance of same.
8. To determine and fix the daily or hourly wage to be paid all laborers, clerks, bookkeepers, foremen or overseers who may be employed by the Superintendent under the provisions of this Act, provided, however, said wages shall not be fixed in an amount less than one dollar twenty-five cents (\$1.25) per hour.

As amended by: Private Acts of 1965, Chapter 57

SEC. 9. That each member of the Commission shall, before entering upon the discharge of his duties under this Act, take, subscribe to and file with the Clerk of the County Court an oath that he will perform the duties of the office faithfully, impartially and without prejudice against or favor to any individual or section of the County.

SEC. 10. The compensation of each of the commissioners of the county highway or road commission shall be two hundred fifty dollars (\$250.00) per month, plus any annual cost of living increases approved by the County Commission, for commissioners selected and qualified subsequent to July 1, 2020.

As amended by: Private Acts of 1976, Chapter 221
Private Acts of 1992, Chapter 172
Private Acts of 2004, Chapter 77
Private Acts of 2020, Chapter 43

SEC. 11. That there is hereby created the office of County Road Superintendent of Union County who shall be elected in the regular August election, 1944, and every four years thereafter. The Superintendent shall serve for a term of four (4) years and until his successor shall have been elected and qualified, and in the event of the death, resignation, refusal to serve or removal of the Superintendent, the members of the Commission shall appoint a person to fill out his unexpired term.

Dennis L. Bailey is hereby named as County Road Superintendent to serve until the regular election in 1944 and until his successor is elected and qualified. Dennis L. Bailey shall qualify as Superintendent by taking, subscribing to and filing with the County Court Clerk the oath hereinafter provided for such County Road Superintendent, and by executing bond as such, as further hereinafter provided.

As amended by: Private Acts of 1949, Chapter 828
Private Acts of 1951, Chapter 720

Private Acts of 1967-68, Chapter 352

SEC. 12. That the person elected or appointed Superintendent shall, before entering upon the discharge of his duties or exercising any of the authority provided by this Act, take, subscribe to and file with the County Court Clerk an oath that he will perform the duties of the office faithfully, impartially and without prejudice against or favor to any individual or section of the County.

He shall also execute to the State of Tennessee a bond, with solvent sureties thereon, in the penalty of not less than Three Thousand (\$3,000.00) Dollars, that he will faithfully and impartially perform all of the duties required of him by this Act without fear, favor or partiality, and will honestly and faithfully expend and account for all moneys coming into his hands or under his disposition as Superintendent; his bond shall be approved by the County Judge or Chairman, filed and recorded as provided by law.

The Superintendent shall devote all of his time to his position, and shall be paid the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) per annum, in equal monthly installments, out of highway funds belonging to the county. In addition to his salary the Superintendent shall be furnished a pick-up truck, gas for its operation and necessary repairs thereon.

That the County Finance Committee is hereby directed and authorized to audit the books and records in the office of the Road Superintendent and shall report their findings to the County Court at each regular Quarterly Session of said Court.

As amended by:

- Private Acts of 1945, Chapter 13
- Private Acts of 1949, Chapter 226
- Private Acts of 1965, Chapter 57
- Private Acts of 1967-68, Chapter 162
- Private Acts of 1969, Chapter 118

SEC. 13. That the duties and powers of the Superintendent shall be:

1. To exercise charge and supervision of all county roads, bridges and highways, subject to the general charge and supervision of same by the Commission.
2. To make regular inspection of all county roads, bridges and highways, and to make reports to the Commission at its regular meetings showing the condition of all such roads, bridges and highways.
3. To demand and receive from the present road authorities all tractors, graders, plows, picks, shovels, and all other tools and equipment now being the property of the County, giving proper receipts therefor. To have charge and supervision of such machinery, tools, implements and equipment purchased for use on county roads, bridges, highways, quarries, gravel pits and banks, and to store such tools, machinery, implements and equipment so as to protect them from deterioration or decay and to have them in proper shape for use when needed.
4. To have the management, control and supervision of all laborers, and he may require any of such laborers to work on any road, bridge or highway in the County as he may deem best and advisable.
5. To have the right and authority to appoint or employ any laborers, foremen and overseers necessary to carry out the purposes of this Act as he may deem advisable. These employees shall at all times be subject to his orders and be under his control, and he may discharge any of them for reasonable cause.
6. To perform all other duties required of him under the provisions of this Act.
7. The Road Superintendent is authorized to sell, on behalf of the County Highway Commission, stone, gravel, or other road building material to any incorporated municipality in Union County. Payment for such material shall be made to the Union County Highway Commission.

As amended by: Private Acts of 1967-68, Chapter 162

SEC. 14. That the provisions of this Act are hereby declared to be severable, and the invalidity of any portion hereof shall not be held to invalidate the remaining portions, as such remaining portions would have been passed and enacted by the General Assembly if the invalid portions had not been incorporated in this Act.

SEC. 15. That all laws or parts of laws in conflict herewith be, and they hereby are, repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 1, 1943.

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