



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IX - Highways and Roads

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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Chapter IX - Highways and Roads

Superintendent of Highways

Private Acts of 1941 Chapter 149

COMPILER'S NOTE: This act must be read in conjunction with Private Acts of 1945, Chapter 570, which abolished the Hancock County Road Commission and vested all of the Commission's duties with the Highway Superintendent.

SECTION 1. That in order to establish a system for the construction, repair, maintenance and operation of the road system of Hancock County, there is hereby created a County Road Commission for such County, composed of three members, who shall be elected by the qualified voters of all of said County from the County at large and who shall hold office for a period of two years from September 1 next following their election. At the regular August election, 1942, the qualified voters of such County shall elect three members thereof. Until September 1, 1942, the following persons are designated to act as such Road Commissioners: A.W. Yount, Sam Henrey and J.P. Overton. Such Commission shall be known as the Hancock County Road Commission.

SEC. 2. That the said Road Commission provided for by the preceding section shall have general authority and supervision over the construction, operation, maintenance and repair of all roads in said County, together with the right to establish new roads and to abandon such other roads as in their judgment may seem to the best interest of such County. For the purpose of establishing, laying out, changing and relocating roads, such Commissioners expressly invested with the power of eminent domain, which shall be exercised by them in the same manner as now provided by the general statutes of this State. Upon their qualification as such Commissioners, they shall meet at the courthouse in the county seat of Hancock County and shall be inducted into office by taking oath as prescribed by law and thereupon shall elect one for Chairman, one as Secretary and one as Advisory Commissioner. As soon after the effective date of this Act as practicable, the three parties named herein to fill the vacancies occasioned by the creation of such Commission shall meet, qualify and organize in like manner.

SEC. 3. That the Chairman of said Road Commission shall devote his entire time and attention to the new duties of his office, which shall include the management and supervision of all roads in said County, together with the supervision and control of all employes engaged in connection with such road system. He is directly responsible for all funds which may come into the hands of such Commission and shall be chargeable with the receipts and disbursements thereof. Before qualifying as such Chairman, he shall execute bond in the sum of \$10,000.00, payable to such County, conditioned upon the faithful performance of his duties with respect to such funds, the cost of which bond, if executed with a corporate surety, shall be paid from the road fund of said County.

SEC. 4. That the Secretary of said Commission shall have direct supervision and charge of all accounting and bookkeeping with reference to the road system of Hancock County, and in addition thereto shall have direct supervision and control of all county road machinery when not in use, and shall have charge of the supervision and repair thereof. He shall devote his entire time to the duties of his office and may make expenditures, with the approval of the Chairman, for the upkeep, repair and maintenance of all machinery and other equipment, provided that no expenditure in excess of \$200.00 therefor shall be made except upon competitive bidding.

The Advisory Commissioner shall meet and consult with the Commission as a whole at each of the regular meetings of such Commission and such special or called meetings as may be held. He shall have equal voice and authority with the other Commissioners in said meetings. It shall be the duty of said Commission to hold regular meetings at the courthouse at the county seat of Hancock County or at such other places as may be designated by them. Such meetings shall be held twice monthly, and in addition thereto the Commission may hold such special meetings as they deem appropriate either upon call of the Chairman or upon the request of two Commissioners.

All purchases in excess of the sum of \$200.00 shall be made by the Commission upon competitive bids after due advertisement, and the Commission shall award the purchase order to the lowest and best bidder, taking into consideration the quality of the material desired and the responsibility of the bidder.

SEC. 5. That the Superintendent of Highways of Hancock County shall receive as compensation for his services the sum of Four thousand eight hundred (\$4,800) Dollars annually, payable in monthly installments as full compensation for his services. Such salary shall be paid from the general road funds of the county on warrant of the County Judge and the said Superintendent of Highways shall not receive

any further compensation of any character from the public funds of the said county. In addition thereto the Superintendent of highways is authorized to employ a bookkeeper-stenographer at a salary not to exceed One Hundred fifty dollars (\$150.00) per month payable in monthly installments upon warrant of the County Judge which shall issue when the Superintendent of Highways certifies that the said bookkeeper-stenographer has rendered the services required and is entitled to receive payment. This salary shall likewise be paid from the general road funds of the County.

It shall be the duty of the said Superintendent of Highways to keep a complete and accurate record of such work as may be done upon the road system and make a written report thereof to the Quarterly County Court of the county upon each regular meeting of such Quarterly County Court. The books and records for said Superintendent of Highways may be audited in the discretion of the Quarterly County Court evidenced by a resolution duly passed to that effect in the same manner as the books and accounts of any other county official are audited. Any vacancy in the office of Superintendent of Highways shall be filled by the Quarterly County Court but any person so elected shall serve only the remainder of the unexpired term of the Superintendent of Highways whom he replaces.

As amended by: Private Acts of 1945, Chapter 570
Private Acts of 1967-68, Chapter 397
Private Acts of 1967-68, Chapter 398

SEC. 6. That there is hereby levied a tax of 10 cents on each One Hundred Dollars worth of taxable property in said County. Such tax shall be used solely for the purpose of supplementing other funds received in any manner by said County for road purposes, and such tax shall be assessed and collected by the Tax Assessor and County Trustee in the same manner as other taxes are assessed and collected, and the proceeds thereof shall be retained in the hands of the County Trustee, to be expended upon warrants of the Chairman of said Commission, countersigned by the Secretary, and shall be used for no other purpose.

SEC. 7. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 3, 1941.

Private Acts of 1945 Chapter 570

COMPILER'S NOTE: The following act amended Private Acts of 1941, Chapter 149, however, the Act did not designate a section number.

SECTION 1. That Chapter 149 of the Private Acts of 1941 be and the same is hereby amended as follows:

"(a). The county road commission of Hancock County is hereby abolished effective September 1, 1946.

"(b). The duties of the said county road commission and of each of the individual commissioners thereof is transferred to one official to be known as the 'Superintendent of Highways of Hancock County.' Such official shall be responsible for the discharge of all duties which have heretofore been assigned to the said road commission and the various members thereof.

"(c). The said Superintendent of Highways of Hancock County will be elected by a vote of the qualified voters of Hancock County at the time other county officers are elected at the August election in each even numbered year and shall take office on September 1 next following such elections. The term of such official shall be two years from and after September 1. The first election of Superintendent of Highways shall be at the August 1946 election.

COMPILER'S NOTE: Section 1(d) amended Section 5 of Chapter 149 in Private Acts of 1941. Because a section was designated, it has been incorporated into the Act.

SEC. 2. That the Caption of the aforesaid Chapter 149 of the Private Acts of 1941 be and the same is hereby amended by striking therefrom the words "Road Commissioner" and inserting in lieu thereof the words "Superintendent of Highways."

SEC. 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 28, 1945.

Highways and Roads - Historical Notes

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

providing new substantive provisions.

1. Acts of 1853-54, Chapter 249, appropriated \$4,000 for the purpose of constructing a road, beginning at or near Mulberry Gap in Hancock County to Sneedville then across Clinch Mountain to Rogersville in Hawkins County.
2. Private Acts of 1865-66, Chapter 88, Section 46, provided that Henry Taylor, Joseph Campbell and Martial Greene constitute a body politic and corporate under the name of the Sneedville Turnpike Company, for the purpose of constructing a turnpike road from Sneedville, in Hancock County, to Rogersville or Russellville, as determined by the corporation. This section was repealed by Private Acts of 1866-67, Chapter 27, which replaced the Sneedville Turnpike Company with the Sneedville and Rogersville Turnpike Company for the purpose of constructing a turnpike road from Sneedville in Hancock County to Rogersville in Hawkins County.
3. Public Acts of 1901, Chapter 136, regulated the working and laying out of public roads in the state except in counties of 70,000 inhabitants and over by the Federal Census of 1900.
4. Acts of 1903, Chapter 282, authorized a \$50,000 bond issue for the purpose of building bridges across the Clinch River near Sneedville and across Powell's River at the mouth of Mulberry Creek.
5. Private Acts of 1911, Chapter 405, was a \$100,000 bond issue to be used for improving public roads in Hancock County. This act also provided for a commission of three members to be appointed by the county court to oversee the expenditure of the proceeds from this sale.
6. Private Acts of 1913, Chapter 300, regulated the laying out, working, changing, opening and closing of public roads in Hancock County. This act created a board of road commissioners for each civil district and defined their powers and duties; provided for the management and control of county jails and workhouses with respect to public roads and provided for the raising of funds for use of public roads in Hancock County.
7. Private Acts of 1915, Chapter 155, was the first road law for Hancock County. It provided for the election of a road commissioner from each road district, which were the same as the civil districts. It also provided for a road tax and had road duty provisions for able-bodied male residents of the county. This act was repealed by Private Acts of 1978, Chapter 204.
8. Private Acts of 1915, Chapter 522, authorized a bond issue of \$200,000 to be used for improving roads and bridges on the top of Newman's Ridge. These bonds were to have a maximum interest rate of 6% and their maturity date was to be set by the Hancock County Court.
9. Private Acts of 1917, Chapter 405, authorized the Hancock County Court to issue bonds in the amount of \$200,000, to be used for improving public highways. This bond issue was subject to voter approval and was to have a maximum annual interest rate of 5% per annum.
10. Private Acts of 1917, Chapter 730, was a road law which applied to Decatur, Hancock, Cheatham and Cannon counties. This act created three member boards of public road commissioners, one of whom was to be designated the superintendent of public roads.
11. Private Acts of 1921, Chapter 311, authorized the Hancock County Court to issue warrants in an amount not larger than \$25,000, to be used to improve, grade, and macadamize a road from Luther, Tennessee via Henry Holt's place and Dr. B. T. Campbell's place to the Grainger County line.
12. Private Acts of 1921, Chapter 540, set up the office of superintendent of public roads for Hancock County, to be elected by the county court every two years and to have general supervision of the county roads. This act also provided for a road tax levy and had provisions for road duty. Private Acts of 1923, Chapter 145, amended this law to give the Hancock County Court the authority to designate the number of days of road duty to be worked by Hancock County residents. This act was repealed by Private Acts of 1978, Chapter 204.
13. Private Acts of 1923, Chapter 681, was the next road law for Hancock County. It provided that the county court was to elect a road commissioner from each road district, who would then appoint a road supervisor for that district. This law also had provisions for road duty and authorized a road tax levy. This act was repealed by Private Acts of 1978, Chapter 204.
14. Private Acts of 1925, Chapter 738, was a bond issue of \$150,000, to be used for building bridges and improving roads in Hancock County. This act also appointed a road commission to oversee expenditure of these funds and designated the roads to be improved with those funds.
15. Private Acts of 1929, Chapter 538, was the next road law for Hancock County, authorizing the county court to appoint for a two year term a superintendent of public roads, who would be paid \$600 annually and would have charge and control of all county roads and road equipment. This act was repealed by Private Acts of 1941, Chapter 147.

16. Private Acts of 1933, Chapter 716, required road hands to work three days each year or to commute such labor by the payment of \$1.00 per day to their district road overseer. This act was repealed by Private Acts of 1937, Chapter 146.

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