



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter IX - Highways and Roads

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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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Table of Contents

<b>Chapter IX - Highways and Roads .....</b>	<b>. 3</b>
<b>Road Law .....</b>	<b>. 3</b>
<b>Private Acts of 1949 Chapter 678 .....</b>	<b>. 3</b>
<b>Highways and Roads - Historical Notes .....</b>	<b>. 4</b>

# Chapter IX - Highways and Roads

## Road Law

### Private Acts of 1949 Chapter 678

**SECTION 1.** There is hereby created a County Road Superintendent in counties of this State having a population of not less than 14,100 nor more than 14,200 by the 1940 Federal Census or any subsequent Federal Census who shall be elected by popular vote of the qualified voters in said counties at the next general election to be held in said counties during August 1962 for a term of two (2) years beginning on the first day of September following said general election or until his successor shall be duly elected and qualified. All future terms of said office shall be for a period of two (2) years. The office shall be filled by appointment of the Governor from November 1, 1961, the expiration date of the term of the present County Road Superintendent until September 1, 1962, when the same shall be filled as provided for in this Act.

As amended by: Private Acts of 1961, Chapter 62

**SECTION 2.** That the compensation of said County Road Superintendent shall be as fixed by the Quarterly County Court, but it shall not exceed the sum of Eleven Thousand (\$11,000.00) Dollars per annum, payable monthly out of the road funds of said County, by a warrant drawn upon the County Trustee, and signed by the Chairman of the County Court.

As amended by: Private Acts of 1957, Chapter 121  
Private Acts of 1969, Chapter 12  
Private Acts of 1974, Chapter 278

**SECTION 3.** The Superintendent of Roads will work in conjunction with a seven man road committee which will be appointed by the Quarterly County Court. The Road Committee shall consist of one member from each of the seven magisterial districts. No court member currently employed by the county will be eligible to serve on this committee. The county chairman shall be an ex-officio member of the Road Committee with a vote in case of a tie.

The Superintendent of Roads and the Road Committee shall by majority vote set priorities including initiation and completion dates on road work to be done, with school bus routes and mail routes taking precedence over all other work, except in the case of an emergency. At such time emergency work will be performed along with the priority work. Emergency work will be defined by the Superintendent of Roads and said seven-man Road Committee. All work performed will be reported to the Quarterly County Court as often as the chairman of the Court deems necessary.

The Superintendent of Roads shall have personal control over the maintenance, management and supervision of the Road Department in said County, with power to employ and discharge employees with approval from the Road Committee. He shall also have power to employ such personnel as may be deemed necessary by him to properly carry out his functions and duties as County Road Superintendent and the salaries and expenses shall be paid out of the General Road Fund of said County upon a warrant signed by the Chairman of the County Court.

As amended by: Private Acts of 1961, Chapter 348  
Private Acts of 1974, Chapter 278

**SECTION 4.** It shall be the duty of the County Road Superintendent to keep an accurate and complete record of all receipts and disbursements made by him and all expenditures shall be reported in their entirety for the benefit of the court and the taxpayers of the County. The County Road Superintendent shall also keep separate accounts and records of all purchases made for the building, repairing and maintenance of said roads and bridges as well as an account and record of all machinery and equipment which he purchases. Said Road Superintendent shall make a detailed and complete report to the Quarterly County Court of said County, setting forth the financial status, including receipts and disbursements made by him out of the County Road Fund. This report shall be made quarterly at the regular meeting of the Quarterly County Court.

As amended by: Private Acts of 1974, Chapter 278

**SECTION 5.** That in the event of the cessation of work on the roads of said County for any reason, said County Road Superintendent shall have the right to immediately suspend payment of the salaries of any employees whom he might have working under him, and said salaries shall remain suspended until the road work in said County is resumed. In case it shall be found necessary to lay off or furlough any road employees, those employees with the longest period of service in the employ of the road system shall be retained to the exclusion of employees more recently employed; and in promotions, those employees with the longest period of service shall be promoted to the exclusion of such as have been more recently

employed, it being the intention of this Act to provide a seniority basis both as to layoffs and as to promotions.

**SECTION 6.** That all funds received by the County Trustee, including gas tax and all State road funds now and hereafter levied for the use and benefit of the roads and highways of said County, shall be kept in a separate fund to be known as "The General Road Fund" of said County and the same shall be expended upon such roads and bridges as the County Road Superintendent may designate.

**SECTION 7.** That said County Road Superintendent shall have the right and power to purchase such equipment as he deems may be necessary to be used in the building and maintenance of the roads and bridges of said County, and said equipment shall be paid for out of any road funds available to said County, provided that all purchases of equipment of any character, as well as oil and gas and other supplies, shall contemplate the expenditure of more than One Hundred (\$100.00) Dollars, the same shall be purchased upon competitive bids <sic> and in such quantities as will give said County the benefit of the best possible prices.

**SECTION 8.** [Deleted by Private Acts of 1961, Chapter 52].

**SECTION 9.** That this Act take effect on September 1, 1950, the public welfare requiring it.

Passed: April 8, 1949.

## Highways and Roads - Historical Notes

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

1. 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, according to the Federal Census of 1900. This act was amended by Acts of 1905, Chapter 478, in several minor areas but retained all the basic features of that act.
2. Private Acts of 1913, Chapter 197, authorized Unicoi County to issue coupon bonds in the sum of \$50,000 to build and improve the public roads and pay the incidental expenses thereto. The details of the sale and handling were specifically included. The county court appointed three commissioners to sell the bonds and supervise the work for three roads leading from Erwin to Flag Pond, Limestone Cove, and northwest to the Washington County line. Said bonds carried an interest rate of 5% and were 20-year bonds.
3. Private Acts of 1915, Chapter 248, created a board of road commissioners to lay out, build, repair and maintain public roads in Unicoi County and provided revenue, ways and means to build, repair and maintain said roads. This act was amended by Private Acts of 1923, Chapter 8, by granting the road commissioners their expenses which were lawfully incurred by them while discharging their duties, by raising the rate for commutation from \$5.00 to \$10 per day, and by making the foremen on various road jobs responsible for the tools and equipment assigned to them, a written list being required to be signed. This act was further amended by Private Acts of 1925, Chapter 115, which added a provision that the county court shall have a separate tax book prepared for the county trustee with a copy to be kept in the office of the superintendent of roads, which shall be called the "County Road Tax Book," made it a misdemeanor for any person to fail to pay the tax on roads or to perform his work on the same as the law requires, and the violator shall be punished as others who commit misdemeanors. Chapter 248, was again amended by Private Acts of 1927, Chapter 704, which required road foreman to make reports to the superintendent of roads, and authorized the county court to levy road duty and enforced the payment of same in labor or cash equivalent. Private Acts of 1937, Chapter 207, amended Private Acts of 1915, Chapter 248, by repealing Sections 5 and 12, and modifying Section 2, by letting the Unicoi County Court fill vacancies of commissioners. Private Acts of 1915, Chapter 248, was repealed by Private Acts of 1937 (3rd Ex. Sess.), Chapter 33.
4. Private Acts of 1917, Chapter 157, declared that the funds from a former bond issue and sale were not enough to complete the road system for Unicoi County, and this act authorized the county court to issue \$100,000 in 5%, 20-year bonds, for the purpose of completing this road system, with the general details included in the remainder of the act.
5. Private Acts of 1921, Chapter 637, authorized and validated the action of the county of Unicoi County and of the board of road commissioners of the county in issuing warrants and evidences of indebtedness of the county and of said board of road commissioners in the years 1918, 1919 and

1920 for road construction, for road machinery, and for borrowed money used in road construction in the county amounting to \$59,156.39. The act also provided for the payment of interest thereon and the ration of a sinking fund to pay the principal thereof.

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