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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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Private Acts of 1983 Chapter 34

SECTION 1. There is established for Hardeman County a highway department to be governed by a three (3) member board of highway supervisors for the purpose of providing a more efficient system of laying out, building, reconstructing, repairing and maintaining public roads and bridges, and constructing and maintaining necessary garages, offices, warehouses and other public works.

SECTION 2. There is hereby created a three (3) member board of highway supervisors which board shall determine the overall policy under which the county highway department shall operate. The board of highway supervisors shall consist of three (3) members each of whom is to be elected from districts established pursuant to this Act.

The county legislative body shall meet and the majority of the members being present and concurring, shall establish the boundaries of the highway districts. The county legislative body may thereafter change the boundaries of such districts in accordance with the procedure established in Tennessee Code Annotated, Section 5-1-111, if necessary to apportion such districts so that the supervisors represent substantially equal populations.

The three (3) supervisors shall be elected in an election to be held in August of 1983 to serve until September 1, 1986. Thereafter, all supervisors shall be elected for a four (4) year term. Whenever a vacancy occurs on the board of highway supervisors, the county legislative body shall appoint a person to serve until the next general election at which time a person shall be elected to fill the general election at which time a person shall be elected to fill the unexpired term. Each highway supervisor shall reside in the highway district from which he is elected. The board of highway supervisors shall elect one (1) of its members as chairman to serve a one (1) year term as chairman.

Each office in any multi-member district shall be separately designated on the ballot with candidates required to run and to be elected on the basis of such separately designated office within the district. No candidate shall qualify for more than one such separately designated office within such district.

SECTION 3. The members of the board of highway supervisors shall receive compensation to be determined by the county legislative body. The highway supervisors shall be entitled to be compensated for all expenses incurred in the performance of their duties as such supervisors on properly certified statements submitted to and approved by resolution of the county legislative body with these expenses to be paid out of the county highway funds.

SECTION 4. That board of highway supervisors shall have the power to acquire necessary rights-of-way for construction of new roads or improvements of the present county road system either by donation from the owner of such property or purchase. The board of highway supervisors shall have the power and authority to open, close and identify county roads. The board of highway supervisors shall have the power and authority to condemn in the name of Hardeman County, under the laws of eminent domain, all lands necessary for the location of highways, roads and bridges. The power of eminent domain shall exist over the lands of private individuals, public corporations, quasi corporations, educational, religious, and eleemosynary institutions, including franchises and easements of such individuals, corporations and institutions. The methods of procedure shall be as set out in the Tennessee Code Annotated, Sections 29-16-101 through 29-16-124. The cost of any such condemnation and the jury's award shall be paid out of the county highway funds and charged to the particular road or project involved. Provided, however, that any such condemnation proceedings in which judgment shall be awarded such judgment shall constitute a secondary liability against the general funds of Hardeman County.

The board of highway supervisors shall prepare at the end of each three (3) month period a report setting forth the details of the operation of the county highway department for the proceedings quarter and a proposed work program for the next quarter together with the highway superintendent's plans and specifications of any work to be done and the estimated cost of each project, which estimate shall not be in excess of the budget appropriations or any allotment thereof. Such reports shall be filed with the county executive and transmitted by him to each county commissioner.

The board of highway supervisors shall keep a permanent minute record of all of its transactions and no legally binding action shall be taken except at a meeting legally provided for such board, with at least two (2) members present and assenting thereto. Purchases by the county highway department shall be made in accordance with Chapter 90 of the Private Acts of 1989, as amended, known as the "Hardeman County Purchasing Law of 1989".

As amended by:

Private Acts of 1991, Chapter 71

SECTION 5. The highway superintendent shall be elected in an election to be held in August of 1983 to serve until September 1, 1986. Thereafter the highway superintendent shall be elected for a term of four (4) years. Whenever a vacancy occurs in the office of highway superintendent, the county legislative body shall appoint a person to serve until the next general election at which time a person shall be elected to fill the unexpired term of highway superintendent.

The highway superintendent shall have the powers and duties specified in Tennessee Code Annotated, Section 54-7-109(b) and (c), as amended, regarding highway department personnel.

As amended by: Private Acts of 1991, Chapter 71

SECTION 6. No contract shall be made for or funds expended by the board of highway supervisors in any one (1) year exceeding the budgeted funds received for such year. All taxes assessed and funds received for highway purposes shall be collected by the county trustee as now provided by law and deposited in the county highway fund and shall be paid out on the county executive's warrant.

SECTION 7. The board of highway supervisors shall require the highway superintendent to execute a bond with a good and solvent surety in the sum of one hundred thousand dollars (\$100,000.00). Any individual who shall be placed in charge of the garage shall be required to execute a bond with good and solvent surety in the sum of five thousand dollars (\$5,000.00), all of such bonds to be for the use and benefit of Hardeman County, conditioned upon faithful performance and discharge of duties, the premiums of such bonds to be paid out of highway funds.

SECTION 8. The operation of the county highway department shall be under the direct supervision of, and in accordance with the policies established by the board of highway supervisors. The county highway superintendent shall be responsible for the preparation of plans and specifications for any road construction, reconstruction, repairs and maintenance and the obtaining of all necessary rights-of-way.

It shall be the duty of the board to see that a system of centralized accounts is kept in accordance with law, and the board shall maintain a system of project cost accounting records for all work, which records shall be consistent with and in conformity with the general records and methods of accounting of the county.

SECTION 9. No person, firm or corporation shall open, tear up or dig any ditch, trench or other opening in any public road of the county for any purpose without first obtaining a written permit from the highway superintendent, or his designated agent, and paying therefor the amount estimated to be required to resurface that portion of such road after the excavation or ditch has been refilled, tamped and allowed to settle. The person or firm to whom the permit is issued shall refill the ditch or excavation to the approval of the highway department, and once the approval is obtained the responsibility of such person or firm ceases. The funds received for such permits shall be paid to the trustee of the county and placed by him to the credit of the highway fund.

Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). It shall be the duty of the highway superintendent to prosecute any person, firm or corporation violating the provisions of this Act.

SECTION 10. The county election commission of Hardeman County is hereby authorized and directed to call an election for the first Thursday in August, 1983, for the purpose of electing three (3) highway supervisors, as provided for in Section 2, and a highway superintendent, as provided for in Section 5. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioner and certified by it to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting in the election shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the election. The cost of the election shall be paid by Hardeman County.

SECTION 11. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 12. Chapter 539 of the Private Acts of 1945, Chapter 378 of the Private Acts of 1949, Chapter 246 of the Private Acts of 1959, Chapter 229 of the Private Acts of 1967, Chapters 265 and 266 of the Private Acts of 1970, Chapter 20 of the Private Acts of 1975 and Chapter 10 of the Private Acts of 1979 are repealed.

SECTION 13. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardeman County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 14. For the purpose of approving or rejecting the provisions of this Act it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes it shall become effective for purposes of the special election to be held in August of 1983 with the supervisors and highway superintendent to assume office September 1, 1983, and upon being approved as provided in Section 13.
Passed: March 10, 1983.

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