



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Road Law

Private Acts of 1939 Chapter 130

COMPILER'S NOTE: Private Acts of 1939, Chapter 130 should be read in conjunction with Private Acts of 1945, Chapter 562 which follows this act.

SECTION 1. That Chapter 364 of the Private Acts of 1923, the caption and substance thereof which is stated in the caption hereof be and the same is hereby repealed together with all Acts amendatory thereof and referring thereto.

SECTION 2. That in order to establish a system for the construction, repair, maintenance and operation of a road system of Hawkins County in lieu of the system created by the Act repealed in the first section hereof, there is hereby created a County Road Commission for Hawkins County, composed of three members to be elected from the County at large at the regular general election to be held in August, 1940, and in each subsequent bi-annual regular election thereafter. The said Commission shall be known as "Hawkins County Road Commission."

SECTION 3. That the Road Commission provided for in the preceding section shall have general authority and supervision over the construction, operation, maintenance and repair of all roads in the County, together with the right to establish new roads and discontinue such others as in their judgment may seem practicable and to the best interest of the County.

SECTION 4. That on the first of September following their election, the said Commissioners shall meet at the Courthouse in Rogersville and thereupon shall be inducted into office in the same manner and by taking a similar oath as is prescribed for other county officials, thence the said Commissioners shall meet and elect one of such members as Chairman, and one as Secretary and one as an Advisory Commissioner.

SECTION 5. That the Chairman of said Road Commission shall devote his entire time and attention to the duties of his office, which shall include the management and supervision of all the road system of the county, together with the supervision and control of all employees engaged in the work of constructing, improving, repairing and maintaining such road system, together with the direct supervision of all other business relating to the said road system of said county.

SECTION 6. That the Chairman of said Road Commission shall be directly responsible for all funds which may come into the hands of said Commission, together with the absolute charge of the receipt and disbursement thereof, except as provided in Section 7 hereof, and the Chairman of said Commission be and he is hereby required to give a bond in the amount of not less than Ten Thousand (\$10,000.00) Dollars payable to the State of Tennessee, conditioned upon the faithful performance of his duties with respect to the supervision of the said funds, which bond shall be executed by a responsible corporate surety company authorized to do business in the State of Tennessee, the cost of the making of said surety bond to be paid out of the general road funds.

As amended by: Private Acts of 1939, Chapter 301

SECTION 7. That the Secretary of the said commission shall have direct supervision and charge of all accounting and bookkeeping relating to the road system of Hawkins County in addition thereto shall have direct supervision and control of the County road garage and consequently of the custody of all County road machinery, together with the supervision of and the maintenance and repair [sic] thereof, the said Secretary shall devote his entire time to the duties of his office and is hereby authorized to make purchases or expenditures for the upkeep, repair and maintenance of all machinery of which he has custody up to the sum to Two Hundred (\$200.00) Dollars for repair, maintenance and operation.

SECTION 8. That the Advisory Commissioner is hereby required to meet and consult with the Commission as a whole at each of the regular meetings of said Commission, which will be hereinafter provided for. He shall consult in such meetings with said other Commissioners and have equal authority and voice in said Commission with the said Commissioners.

SECTION 9. That the Chairman of said Road Commission shall receive as compensation the sum of One Hundred and Twenty-five (\$125.00) Dollars per month, the Secretary shall receive as compensation the sum of Ninety (\$90.00) Dollars per month and the Advisory Commissioner shall receive the sum of Thirty-five (\$35.00) Dollars per month as his compensation, all of such monies shall be paid out of the general road funds; in addition to this the Commission as a whole is hereby empowered and authorized to employ a bookkeeper-stenographer, who shall not be paid in excess of the sum of Sixty (\$60.00) Dollars per month as compensation.

SECTION 10. That the said Commission shall hold regular meetings at the Courthouse in Rogersville or at such other places as are convenient to them, which meetings shall be held not more than two weeks

apart and in addition thereto may hold such other special meetings as shall be necessary upon call of the Chairman or of any two Commissioners.

SECTION 11. That all purchases in excess of the sum of Two Hundred (\$200.00) Dollars shall be made by the Commission only after advertising and receiving competitive bids thereon. The term "competitive bid" as herein defined shall mean the lowest and best bid, taking in consideration the quality of material and the responsibility of the bidder.

SECTION 12. That the said Road Commission shall keep a correct and accurate account of all funds received and disbursed, together with an account of all work done on the road system and shall furnish to the Quarterly County Court a written statement thereof at each of the regular meetings of said County Court. In addition to such records, the said Commission shall keep an accurate and complete bookkeeping system showing accurately the receipt and disbursement of all funds which may come into his hands and in addition thereto the books of the said Road Commission shall be audited annually in the same manner as all other books and accounts of other County offices audited.

SECTION 13. That from and after the passage of this Act and until the general election of Road Commissioners in 1940, the following persons are hereby appointed to hold the following specified offices:

Ollie Bradshaw is appointed to be Chairman; Sam Patterson is hereby appointed to be Secretary; Clyde Massengill is hereby appointed to be Advisory Commissioner.

SECTION 14. That there is hereby levied a tax of ten (10¢) cents on each One Hundred (\$100.00) Dollars worth of taxable property, both real and personal, in said County which is located outside of incorporated towns in said County which levy a special tax for the upkeep, maintenance and repair of streets within said towns. This tax shall be used solely for the purpose of supplementing the regular funds which are received in any manner by the said County for road purposes and such tax shall be assessed and collected by the tax assessor and the trustee in the same manner as all other general taxes are assessed and collected. As the proceeds from said tax levy are collected by the trustee, the same shall be turned over to the said County Road Commission as the said Commission may demand.

SECTION 15. That in the event a vacancy occurs in the said County Road Commission on account of any reason whatsoever, the said vacancy shall be filled by the remaining Commissioners and the person chosen to fill said vacancy shall serve until his successor is elected and qualified.

SECTION 15-A. That it shall be a misdemeanor in office for the Road Superintendent to use any road machinery belonging to said County, or to expend any road money on any private driveway or road and upon conviction thereof, he shall forfeit his office, and the County may recover from him and his bondsmen the amount expended, and pay for the use of said machinery used on said private road or driveway.

As amended by: Private Acts of 1953, Chapter 435

SECTION 16. That it is the intention to hereby create a comprehensive plan and system for the general maintenance, supervision, repair and operation of the County road system for Hawkins County and that any Acts which may be in conflict with the provisions of this Act are hereby repealed and in addition it is hereby expressly provided that the provisions of this Act are separable so that if any sentence, clause, paragraph or section of this Act should be held to be unconstitutional, it is expressly provided that such provisions may be elided without destroying the intention expressed in this Act and that this Act with such elided portions shall remain notwithstanding [sic] the unconstitutionality of such provisions.

SECTION 17. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 2, 1939.

Private Acts of 1945 Chapter 562

SECTION 1. That Chapter 130 of the Private Acts of 1939, the caption of which is set forth in the caption of this Act, be and the same is hereby amended so as to provide that there shall be elected from the county at large at the general election to be held in August, 1946, a County Superintendent of Roads, whose term of office shall be for a period of four years and whose compensation shall be eight thousand five hundred dollars (\$8,500) per annum, which shall be paid out of the general road funds.

As amended by:
Private Acts of 1947, Chapter 794
Private Acts of 1949, Chapter 203
Private Acts of 1959, Chapter 103
Private Acts of 1965, Chapter 118
Private Acts of 1967-68, Chapter 371
Private Acts of 1973, Chapter 160

SEC. 2. That Chapter 130 of the Private Acts of 1939, the caption of which is set forth in the caption of

this Act, be and the same is hereby amended so as to provide that all of the rights, powers and duties belonging to the County Road Commission under said Act be and they are hereby transferred in their entirety to the Superintendent of County Roads, who shall be elected under the terms of this amendatory Act.

SEC. 3. That Chapter 130 of the Private Acts of 1939, the caption of which is set forth in the caption of this Act, be and the same is hereby amended so as to provide that the Superintendent of County Roads elected under authority of this Act shall have the right and authority to appoint a secretary, who shall serve at the pleasure of the Superintendent of County Roads and receive a minimum salary of \$250 per month, which shall be paid out of the general road funds. The quarterly county court may, upon recommendation of the Superintendent of County Roads, authorize a salary greater than the minimum salary in its annual budget for the County Roads department.

The secretary shall have no authority to make purchases and shall perform duties of a ministerial nature under the direction of the Superintendent of County Roads.

As amended by: Private Acts of 1949, Chapter 203
Private Acts of 1951, Chapter 326
Private Acts of 1965, Chapter 118
Private Acts of 1973, Chapter 159

SEC. 4. That Chapter 130 of the Private Acts of 1939, the caption of which is set forth in the caption of this Act, be and the same is hereby amended so as to provide that all funds, books, records and expenditures in the office of the Superintendent of County Roads shall be audited by a committee appointed by the County Court, or by any person or persons designated by the County Court, every three months from and after the date upon which the Superintendent of County Roads takes office under the terms of this Act, which shall be September 1, 1946.

The Superintendent of County Roads shall execute bond in the amount and in the manner provided for the Chairman of the Road Commission as set forth in Section 6 of said Chapter 130 of the Private Acts of 1939.

SEC. 5. That it is specifically provided that any new roads constructed shall have a right of way of not less than thirty (30) feet, and all purchases, acquisitions or condemnations of land for such purposes shall be based upon a minimum right of way of thirty (30) feet.

SEC. 6. That the Superintendent of County Roads created under the terms of this Act shall, by the first day of January of each year, prepare a budget for the ensuing year, setting up the anticipated County Highway funds for said ensuing year, and he is hereby prohibited from purchasing any material or equipment during said year in excess of his budget or the revenues anticipated during said calendar year. He is expressly forbidden to purchase any material or equipment on credit except such as may be paid for during the current year from funds received for County Highway purposes within said year. Any violation of the terms of this provision shall constitute a misdemeanor and the punishment shall be as fixed under the general laws for misdemeanors. It is further provided that any violation of this section shall constitute grounds for removal from office under the general provisions of the Ouster Law.

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

Passed: February 28, 1945.

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