



County Technical Assistance Service  
INSTITUTE for PUBLIC SERVICE

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# Road Law

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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.

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# Road Law

## Private Acts of 1951 Chapter 171

**SECTION 1.** That, in counties having the population set out in the caption hereto, there is hereby created a County Road Commission to consist of three members. The County Judge and the County Engineer, hereinafter provided for, shall be ex-officio members of the Commission, and there shall be a third member, to be selected by the Quarterly County Court, which member shall be a resident citizen of the County and shall serve for a term of two years. No member of the Commission shall receive any additional compensation for services performed by them on such Commission, the County Engineer shall be Chairman of said Commission. It shall be his duty to call monthly meetings of said Commission after posting notices of the time and place thereof in three public places in said County, one which shall be at the Courthouse door. All meetings of the Commission shall be public and any interested citizens of said County may attend. After the conclusion of the regular meetings of the Commission, any citizen or taxpayer in the County in attendance may lodge complaints, offer advice or make suggestions. Vacancies in the office of County Engineer shall be filled by the Quarterly County Court, the person so elected to hold for the unexpired term of the incumbents. If the office of County Judge becomes vacant, the Quarterly County Court shall select a qualified person to serve on the Road Commission, to hold office only until there shall be elected a successor to the County Judge. In case of a vacancy in the third membership on the Road Commission, the Quarterly County Court shall elect a successor to serve for the remainder of the unexpired term. Two members of said Commission shall constitute a quorum and be authorized to transact business. Notice shall be given by the Chairman to the other two members of any and all meetings of the Commission.

As amended by: Private Acts of 1963, Chapter 110.

**SEC. 2.** That there is hereby created the office of County Engineer in counties to which this Act applies. His term of office shall be for a period of two years and until his successor is elected and qualified and such County Engineer shall be a resident citizen of such County. At the August election 1952 and biennially thereafter the qualified voters of said County shall elect a County Engineer. His compensation shall be at the rate of \$4500 per annum, payable in equal monthly installments out of the county funds of said County. To hold such office until September 1, 1952, W. C. Knott is appointed to fill the vacancy in the office of County Engineer by appointment. The County Engineer shall be required to execute bond in the sum of \$5,000 conditioned to faithfully perform the duties of his office and account for all County property and funds coming into his hands. Provided, however, that at the August general election in 1966, and quadrennially thereafter, such County Engineer shall be elected for a four year term, and he shall take office on September 1, following his election. Effective September 1, 1966, his salary shall be forty five hundred dollars (\$4,500.00) per annum, payable as above set out. Effective September 1, 1974, the salary of the County Engineer shall be Ten Thousand Dollars (\$10,000.00) per annum, payable in equal monthly installments. Such County Engineer shall not operate, work at or supervise any business or be engaged in any other employment while serving as County Engineer unless such activity engaged in by the County Engineer shall be approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Stewart County Quarterly Court.

As amended by: Private Acts of 1951, Chapter 444,  
Private Acts of 1961, Chapter 191,  
Private Acts of 1965, Chapter 140,  
Private Acts of 1974, Chapter 262.

**SEC. 3.** That the Road Commission shall have the following powers:

1. To purchase all supplies and equipment of every kind to be used upon the roads of said County, provided however, that purchases of less than \$300.00 may be made by the Chairman or Engineer.
2. To enter into all appropriate contracts with the State of Tennessee or other parties where deemed advisable and to have and possess all powers of the roads of said County not specifically or otherwise provided herein.
3. To establish a wage scale for all employes of said system which wage scale shall not exceed that of the State Highway Department in such localities.
4. To open and close such roads as the Commission may deem necessary for the improvement of the road system of such counties for which purpose the Commission is hereby vested with the power of eminent domain to be exercised in conformity to general law. The actual location of new roads shall be done by the Chairman, or County Engineer.
5. To have jurisdiction and control of the expenditure of all County road and bridge funds, including that of the gasoline tax allocated to said County by general law. All disbursements of road funds shall be by the warrant of the Chairman of said Commission countersigned by the County Judge and drawn upon the road fund in the hands of the County Trustee.

As amended by: Private Acts of 1965, Chapter 140.

**SEC. 4.** That the Commission shall annually make a report to the Quarterly County Court in detail of all expenditures made by such Commission, which report shall show all sums paid for labor and material, the name of the person to whom paid, the date and in reporting the purchase of lumber or bridge material, it shall show the price per thousand feet for such lumber and the amount purchased. The Quarterly County Court may at its option cause such report to be published in a newspaper of general circulation in such counties, the cost of said publication to be paid as a part of the administrative costs of said Commission.

**SEC. 5.** That they shall procure by rental or otherwise an office and employ a secretary therefor at a salary to be set by the Road Commission, which secretary shall also be secretary to the Chairman of the Commission, who shall have the right to use the office of the Commission as his office.

As amended by: Private Acts of 1974, Chapter 262.

**SEC. 6.** That the Commission shall keep a complete and accurate record of all expenditures on the part of the Commission and likewise to keep the minutes of each and every meeting of the Commission, which record and minutes shall be opened during reasonable business hours for the inspection of any interested citizen or taxpayer of said County.

**SEC. 7.** That the Chairman of the Commission as County Engineer shall have sole power except as hereinbelow indicated to hire all personnel deemed necessary for the better upkeep of the county roads and bridges and for the maintenance of such machinery and equipment as may be owned by the County. Provided, however, that all employes of said County road system in excess of 30 shall first be approved by the Commission and the Commission by a majority vote shall select all such employes in excess of 30. Within sixty (60) days of the effective date of this act, each employee of the Stewart County Highway Department shall be required to furnish a statement or certificate from a practicing physician or the county health officer certifying such employee to be physically able to perform all labor or duties as shall be required of him as an employee of such department. Any applicant for employment after the effective date of this act shall be required to furnish such certificate or statement before being employed by the department. Such statement shall be filed with the Commission. Each employee shall annually furnish such statement or certificate to the Commission. The Commission is authorized to enter into an agreement with the county health officer as to the manner in which such employee shall obtain such statement or certificate from him, and any cost shall be paid by the Commission. The employee or applicant shall have the option of obtaining such statement from his personal physician. The County Engineer shall have exclusive authority over the construction and maintenance of all county roads and bridges and of the repair, upkeep and custody of all road equipment belonging to the County and shall see that the same is maintained in proper condition.

As amended by: Private Acts of 1974, Chapter 262.

**SEC. 8.** That the Quarterly County Court of counties to which this Act applies is hereby vested with authority and they are required at the time of making the regular tax levy, to levy a tax for road purposes of not less than 20¢ nor more than 50¢ upon the hundred dollars worth of property in said county on its assessed valuation, which tax shall be collected by the County Trustee as are other taxes and he shall be allowed the same compensation for receiving and paying out the same as is allowed him by general law on county funds. Out of the funds raised from such tax levy, there shall be paid the administrative costs of the Commission, including the salary of the County Engineer, the compensation of the secretary and the costs of such right of way as may be obtained by the Commission in opening new roads. The remainder of such tax levy after first paying such above mentioned costs shall be prorated to the several districts of such County in proportion to their contribution thereto and shall be used exclusively for the construction and maintenance of the roads and bridges of such civil district.

**SEC. 9.** That one-fifth of the tax collected by the County Court Clerk on privileges or otherwise, shall be paid to the Trustee of the County and placed with the general road funds. Said taxes shall be paid in money.

**SEC. 10.** That this Act shall be liberally construed and interpreted and its provisions are hereby declared severable. If any of its sections, provisions, sentences, or phrases are held to be unconstitutional or void, the remainder shall remain in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

**SEC. 11.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 14, 1951

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