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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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Private Acts of 1923 Chapter 585

SECTION 1. That in all counties of this State having a population of not less than 17,130 nor more than 17,140 according to the Federal Census of 1920, or any subsequent Federal Census, there is hereby created the office of County Road Commissioner and said Commissioner shall have charge and supervision of working, improving, and maintaining all public roads in said counties, including bridges and culverts.

SECTION 2. That said County Road Commissioner shall be elected by the qualified voters of said County at the regular August election, 1936, and every four years thereafter. His term of office shall be for four years from the first day of September, 1936, and until his successor shall be elected and qualified. That said County Road Commissioner shall appoint some suitable person in every civil district of said County to supervise the district roads in their respective districts. That they shall receive reasonable compensation for their said services, but in no event shall they receive more than Fifty (\$50.00) Dollars per annum and shall serve at the pleasure of said County Road Commissioner. That said County Road Commissioner be empowered to fix the salaries herein authorized at any amount not exceeding the limit herein imposed and shall pay same out of the district road funds. That the supervisors thus appointed shall serve under the direction of the said County Road Commissioner.

As amended by: Private Acts of 1925, Chapter 569,
Private Acts of 1931, Chapter 326
Private Acts of 1935, Chapter 289,
Private Acts of 1939, Chapter 126.

SECTION 3. That the County Court shall have the power to remove said Road Commissioner at any time for inefficiency or failure to faithfully perform his duties under this Act.

As amended by: Private Acts of 1925, Chapter 569.

SECTION 4. The County Road Commissioner shall be paid an annual salary of seven thousand two hundred dollars (\$7,200), to be paid out of the county road funds in monthly installments on warrants drawn by the Commissioner and countersigned by the County Judge. The Road Commissioner shall receive, in addition to his salary, an automobile with expenses paid on said vehicle. The Road Commissioner shall receive no additional pay or compensation for any purpose and shall pay his own expenses of every kind, except as herein stated. The Commissioner shall be a person not less than twenty-five (25) years of age and shall be capable and experienced in the repair and maintenance of roads. He shall devote full-time to the duties of the office of County Road Commissioner.

As amended by: Private Acts of 1929, Chapter 101,
Private Acts of 1951, Chapter 200
Private Acts of 1965, Chapter 30,
Private Acts of 1969, Chapter 5
Private Acts of 1972, Chapter 246.

SECTION 5. That said Road Commissioner, before the entering upon the discharge of his duties, shall take and subscribe to an oath to faithfully perform the duties of his office, and shall enter into a bond, with good and solvent sureties, to be approved by the Chairman of the County Court, in the sum of Five Thousand Dollars, conditioned that he honestly and faithfully perform his duties as such Road Commissioner and under the terms of this Act.

SECTION 6. That said Road Commissioner shall personally inspect all the main thoroughfares of the county at least once each month in the year, and shall make monthly reports in writing to the Chairman of the County Court showing in detail the character and extent of his work and operations for the current month.

SECTION 7. That the office of District Road Commissioner in said counties is hereby abolished and all the powers and duties of said District Road Commissioners, as now provided by law, are hereby conferred upon the County Road Commissioner herein provided for. It shall be the duty of said Road Commissioner to appoint the overseers of roads in the various civil districts of said counties and to see that they faithfully perform their duties as now provided by law.

SECTION 8. That said Road Commissioner is charged with upkeep, maintenance and improvement of all the public roads in said counties, and he is hereby vested with full power and supervision over same, and he shall have control over the expenditure of all available road funds of whatever kind and from whatever source derived, and shall expend same as he may deem best for the repair and maintenance of the roads, acting at all times with the advice and consent of the Chairman of the County Court. Provided, however, that nothing herein shall be construed as affecting the powers and duties of the Chairman of the County

Court in connection with the public roads of said counties as now provided by law.

SECTION 9. That said Road Commissioner shall have the power and it shall be his duty to assign road hands for labor to any road within the civil district where the road hand resides, and at any time during the year except from March 15th to July 1st.

SECTION 10. That it shall be the duty of said Road Commissioner to take into his care, custody and control all tools, machinery, materials, etc., belonging to said counties including that purchased under road bond issues, and to use it for the repair, construction and maintenance of all roads of the county as his best judgment may dictate. He shall make a detailed inventory of all such road tools, machinery, etc., to the chairman of the County Court, the said Road Commissioner is especially charged with the proper care and preservation of same and to see that same is not lost, stolen, or allowed, to needlessly deteriorate. Said Road Commissioner shall require of the various overseers inventories of all tools, machinery, materials, etc., placed in their hands, and he shall hold them strictly responsible for same. Said tools, machinery, etc. shall not be used for any purpose except on the public roads.

SECTION 11. That while it is made the duty of said Road Commissioner to care for and maintain all the roads of said counties he is especially charged with the duty of repairing and maintaining the main thoroughfares of said counties; and, in the expenditure of the funds and in assigning road labor, he will have due regard to the importance of the roads, treating all sections of the county impartially.

SECTION 12. That it shall be the duty of said Road Commissioner, acting in conjunction with the Chairman of the County Court, to favor any section or community where the citizens may offer voluntary aid to supplement the public funds and labor.

SECTION 13. That all applications to open, close or change public roads in said counties shall be made to the Road Commissioner, and proceedings thereunder shall be as now provided by law.

SECTION 14. That the reports of the Road Commissioner, showing his acts and doings and how the funds are being expended, shall at all times be open to the inspection of the public.

SECTION 15. That nothing in this Act shall be construed as conferring jurisdiction or power of authority upon the Road Commissioner herein provided for over the roads or streets within the limits of incorporated towns in said counties, such municipalities to continue to maintain their roads and streets as now provided by law.

SECTION 16. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 17. That this Act take effect from and after its passage, the public welfare requiring it.
Passed: March 29, 1923.

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