



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

November 23, 2024

Chapter IX - Highways and Roads

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

Table of Contents

Chapter IX - Highways and Roads 3
Road Law 3
Private Acts of 1969 Chapter 133 3
Highways and Roads - Historical Notes 7

Chapter IX - Highways and Roads

Road Law

Private Acts of 1969 Chapter 133

SECTION 1. That this Act apply only to counties in the State of Tennessee having a population of not less than 24,250 nor more than 24,265, according to the Federal Census of 1960, or any subsequent Federal Census.

SECTION 2. That for the purpose of this Act, the public roads within the limits of the Counties to which this Act applies shall be classified as: (1) Interstate, or Federal Roads or Highways; (2) State of Inter-County Roads or Highways; (3) County Roads or Highways.

SECTION 3. That there is hereby created the Office of County Road Superintendent for such counties as this Act applies to, and said County Road Superintendent shall be twenty-one years of age, or over, of good moral character, and shall be a resident citizen and a freeholder of said county, and qualified for the duties imposed upon said superintendent. Said County Road Superintendent shall be elected by popular vote at the General August Election of 1970 and shall take office on the first day of September, 1970, and shall serve for a period of four (4) years, and until his successor shall have been elected and qualified.

At every August Election every four years after the August Election of 1970, there shall be elected a County Road Superintendent who shall serve for a period of four years beginning on September 1.

In case of a vacancy in said County Road Superintendent's office, the vacancy shall be filled by the Quarterly County Court until the next General August Election, when his successor shall be elected.

In the election of said County Road Superintendent, the candidates shall qualify in the same manner as candidates for other county offices are required by law to qualify.

SECTION 4. That all municipal corporations in the counties shall have charge of and control of all roads, highways and streets within the boundaries thereof provided; said Road Superintendent shall have power and authority to cooperate with the respective municipal authorities relative to the joint laying out, construction and maintenance of any road or highway intersecting or leading into any municipal corporation, or of any bridges or viaducts on such roads or highways.

SECTION 5. That the County Road Superintendent, before entering upon the discharge of his duties, shall take and do subscribe to an oath before the County Court Clerk that he will faithfully perform the duties of his office, and shall enter into a bond of five thousand (\$5,000.00) dollars for the faithful accounting of all money and property coming into his hands and for the faithful performance of the duties and obligations of said County Road Superintendent.

SECTION 6. That effective September 1, 1970, and thereafter, the compensation shall be fixed by the Quarterly County Court of such county of [sic] counties and at the commencement of any term thereafter at not less than ten thousand (\$10,000.00) dollars and an expense account of one thousand (\$1,000.00) dollars per annum which sum shall be paid in equal monthly installments out of the general highway fund hereinafter created. Provided, further, that said County Road Superintendent shall at the same time he submits his budget to the quarterly county court at its July session, prepare an estimate of his expenses to be incurred in the performance of his duties, itemizing the same and present it to the quarterly county court for their action on the same. And he shall file at the same time he files his quarterly report to the court an itemized account showing the expenses incurred in the performance of his duty, setting out in detail for what paid and to whom paid, which account shall be sworn to and shall state that the expenses incurred were necessarily incurred in the performance of his duties. Provided, further, that said County Road Superintendent shall give his entire time to the duties of his said office.

SECTION 7. That said County Road Superintendent shall make to the quarterly county court at each regular session a written itemized report of all receipts and disbursements during the quarter, showing to whom paid and for what services rendered; and he shall show in said report the total amount of outstanding warrants and indebtedness for machinery, supplies, labor, etc., due by the road department, said reports being subject to the approval of the quarterly county court, and shall be recorded on the minutes of said quarterly county court.

SECTION 8. That there is hereby created a General Highway fund for said counties to which this Act applies, which fund shall be made up of all the highway funds and moneys which come into the hands of the county for road purposes from [sic] whatever source, and all moneys received by said county for road purposes shall go into this one fund. Said County Road Superintendent shall have authority and power to

expend all of said money as and where proper and expedient for the best interest of the county, subject to the limitations of the quarterly county court as provided herein, and to the Purchasing Committee as provided for in Section 13 hereof.

SECTION 9. That all persons between the ages of twenty-one and forty-five years, or any other age, shall not be required to work the public roads of said county or pay money in lieu thereof, and any laws or parts of laws in conflict with this provision in so far as they apply to the counties to which this Act applies are hereby repealed.

SECTION 10. That the County Road Superintendent shall be the county's agent in dealing with the State Department of Highways or Federal Highway officials in all highway matters, and in such matters between the County and State, or County and Federal Government, the County Road Superintendent shall be recognized as the County's representative.

SECTION 11. That it shall be the duty of the quarterly county court of said counties to which this Act applies to levy a public road tax on all the property taxable by law in the county of not less than ten (\$.10) cents nor more than thirty (\$.30) cents on each one hundred (\$100.00) dollars worth of taxable property, which taxes, when collected by the County Trustee, shall be kept in the General Highway Fund.

SECTION 12. That the County Road Superintendent shall have general charge and supervision of all the public roads, highways, bridges, culverts and public ferries, outside of the limits of municipalities, suitable shops for repair of machinery and tools, garages and buildings for the storage and distribution of gasoline, oils and greases as it becomes advisable and proper and to keep same in repair.

SECTION 13. That a Purchasing Committee consisting of the County Road Superintendent and a five (5) man committee to be elected by quarterly county court to become effective September, 1970, and whose duties are to approve by a majority of the Committee all purchases by the County Road Superintendent before authority to purchase same upon recommendation of the County Road Superintendent, such wagons, trucks, automobiles, materials and supplies, tractors, rock crushers, grading machinery and implements as the County Road Superintendent may deem necessary and proper for the use in carrying out his duties, and he shall have full control of all of the property belonging to the County Road Department for his use in performing his duties, and the County Road Superintendent, with the approval of a majority of the Purchasing Committee, shall have the authority to sell and dispose of any and all equipment and/or materials in his hands which is not suitable and/or necessary for highway work. Provided, said County Road Superintendent shall prepare a budget or list of the probable needs of machinery, equipment, materials, tools and supplies to be used for a period of twelve months, and shall submit same to the July term of the quarterly county court, and when authorized by a majority of the Purchasing Committee shall advertise for competitive bids for same in some newspaper circulated in the county to which this Act applies for at least three consecutive weeks and shall post a copy of the said advertisement on the bulletin board at the front of the courthouse at least 15 days before receiving bids for same, for all machinery, equipment and supplies when the article shall cost \$1,000.00 or more, and award the contract to the best and lowest bidder, reserving the right to reject any and all bids. Provided that this requirement for competitive bids shall not apply to the purchase of gasoline, oils and greases which shall be bought in wholesale quantities in the open market upon approval of a majority of the Purchasing Committee. Provided that emergency repairs, regardless of the cost, may be bought without competitive bids or advertising. Members of the Purchasing Committee shall be allowed the same mileage and per diem as a Justice of the Peace when meeting on special business. The Chairman of the Committee shall report to the quarterly county court, at each regular session, the activities of the committee and make such recommendations as they deem advisable. This Section of this Act shall become effective September 1, 1970.

SECTION 14. That any workhouse prisoners of the county shall be used by and placed under the control of the said County Road Commissioner, to be worked on the pikes, roads, culverts, bridges and in and about any quarries that may be operated or leased by said County Road Superintendent. Provided that nothing herein shall be construed to relieve the Sheriff or jailer of the county of any responsibility for such prisoners now or hereafter imposed by law, except when such prisoners are actually at work under the orders of said County Road Superintendent. Provided, further, that all laws or parts of laws, insofar as they apply to counties coming under this Act, providing for a workhouse commission are repealed and the County Judge, the Sheriff and the County Road Superintendent are hereby clothed with the powers, and it is made their duty to perform all the duties now imposed upon workhouse commissioners in such counties.

SECTION 15. That the County Road Superintendent shall have full power to build or repair roads, highways, bridges, culverts or public ferries, etc., by contract; provided, however, that such contracts shall be let on competitive bids by due advertisement at least three consecutive weeks in a newspaper circulated in a county to which this Act applies, and said contracts shall be to the lowest competent

responsible bidder or bidders, and the successful bidder or bidders shall give a solvent bond to faithfully perform said contract.

SECTION 16. That the County Road Superintendent shall maintain an office at the county seat of said counties to which this Act applies and he is authorized to employ competent help to conduct said office, to serve at the will of the County Road Superintendent at a salary he deems sufficient for duties performed. Provided that the County Road Superintendent shall submit to the quarterly county court at its July term, 1970, a list of all other employees he deems necessary to conduct the affairs and duties of the office, classifying them according to the duties he expects them to perform, and make recommendations for the salary or hourly wage scale for each class of employees, and the quarterly county court is authorized to fix the rate of pay for the employees of the County Road Superintendent, and provide further, that the quarterly county court may at any subsequent term, upon the recommendation of the County Road Superintendent, adjust the wage scale accordingly. Provided, further that the provisions of this Section shall take effect July 1, 1970.

SECTION 17. That the County Road Superintendent shall be the custodian of all records, books, contracts, vouchers, maps, etc., and he causes the Clerk to keep a full and current inventory of all machinery, tools, materials and equipment on hand at all times and to submit to the July term of the quarterly county court a copy of said inventory including all machinery and equipment under lease, and provided further, that the County Road Superintendent shall cause all motor equipment belonging to the County Road Department, including any leased equipment, to be marked with the letters "Property of SEVIER COUNTY, Road Department" by painting or decals on the sides of said vehicles, plainly visible with the words "SEVIER COUNTY" with letters not less than three (3) inches in height.

SECTION 18. That if the said County Road Superintendent shall determine that for the proper and efficient conduct of his office he should employ a competent engineer, then he shall bring the same to the attention of the quarterly county court and make recommendation to the court and suggest that they fix his compensation and authorize the County Road Superintendent to employ a competent engineer to serve at the pleasure of the County Road Superintendent and that the salary of the engineer if such be employed, be fixed by the said county court and paid monthly out of the General Highway Funds.

SECTION 19. That the County Road Superintendent shall have power and authority, in the name of the county, to condemn under the laws of eminent domain, all lands necessary for roads, highways, bridges, ferries, rock quarries, gravel pits, borrow pits, chert beds, and other material necessary for building, repairing and maintaining pikes, highways, roads, bridges, and ferries of the county, in the manner provided by law for the taking of private property for roads for ingress and egress to rock quarries, rock crushers, gravel pits, borrow pits or chert beds. Provided, that the County Road Superintendent may contract with and acquire for temporary use and/or acquire the fee to any rock quarry, gravel pit, borrow pit, chert bed or right-of-way to same for and in the name of the county upon the approval of the majority of the Purchasing Committee herein created.

SECTION 20. That all applications to open, change, close or restore to public use any and all roads shall be made by written petition to the County Road Superintendent, stating the district in which the road is located, giving complete description of the present road and the proposed changes, and the names of the land owners to be affected, and within ten days after the filing of the application or petition, the County Road Superintendent, if he believes there is a probable cause to believe that said petition should be allowed, shall notify by written notice the first person names on the petition and the landowners affected by the proposed change, or the date on which said Superintendent will be present at the place designated as the beginning point in the petition to act on said application, which notice shall be served at least five days before the date for acting on the petition. If any landowner affected by the proposed change is a non-resident of the State, or if his place of residence is unknown, publication shall be made for four consecutive weeks in a newspaper published in the county, of the time and place of acting on said petition. Written notice addressed to the parties at their last known address and dispatched to them by registered or certified mail with return receipt requested shall be sufficient if the return receipt is received from residents of the State.

Upon giving the required notice as above, the County Road Superintendent shall attend at the appointed time and place and shall act upon the application, and if he decides the proposed change is for the best interest of the county, assess whatever damages there may be, if any, against the county, and report in writing his action thereon to the Judge of the County Court, and with said report he shall file with the Clerk of the County Court the original petition and copies of all notices to land owners. The Judge of the County Court shall consider the report and the facts connected with the matter and pass such orders as he may deem for the welfare and best interest of the county. Any of the parties or party affected may, within ten days from the date of the entry of the decision or judgement of the Judge of the County Court, appeal to the next term of the Circuit Court upon execution of proper appeal bond. Provided that the County Road Superintendent may of his own motion, on notice as above provided, make an order and report his action

as above provided, to open, close, or change any road he may deem proper, which report shall be acted on by the Judge of the County Court as above provided.

SECTION 21. That the County Road Superintendent shall not spend or contract to spend during any one year, funds exceeding the funds received from [sic] all sources for such General Highway purposes for that year; provided, however, that nothing herein contained shall prohibit any bond issue or special appropriation of the quarterly county court and the funds derived thereunder from being expended in any year in which the funds therefrom are placed to the account of the General Highway Fund.

SECTION 22. That the County Road Superintendent shall draw all warrants on the Trustee of said county for the disbursements from the General Highway Fund under this Act, which warrants shall be signed by the County Road Superintendent and countersigned by the County Judge. A warrant book shall be kept by said Superintendent, which shall show the number and date of each warrant, the person to whom issued, the purpose for which it was issued and to whom delivered.

SECTION 23. That the County Road Superintendent shall have the authority to remove or cause to be removed any obstruction from the pikes, roads, highways or ditches or drains and rights-of-ways of said pikes, roads, and highways and anyone failing or refusing to remove any such obstruction places in said pikes, roads, highways, ditches or drains and on the right-of-way by himself or under his direction, shall be guilty of a misdemeanor; and upon conviction shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each offense.

It shall be a misdemeanor for any person, firm or corporation to place any post, pole, brush, rock, glass or any other obstruction upon said pikes, roads, highways or bridges, or right-of-way or allow the same to remain upon same; provided that transmission lines, telephone and telegraph poles, conduits for gas, water and sewer lines may be placed along said rights-of-way under authority or permission of the quarterly county court; provided, said poles and conduits are so placed that they will be outside of the macadam or surface of said roads or highways and of the ditches, gutters or drains of any pikes, roads, highways, bridges or culverts of the county.

SECTION 24. That the County Road Superintendent is authorized to cooperate with both State and Federal Highway Departments on all highway matters. But no expenditure of funds of the county is authorized beyond the amount covered by the general taxes and by such other revenues as shall belong to said road fund; unless funds are provided in other legal manner and authorized by the quarterly county court.

SECTION 25. That the County Road Superintendent shall have the authority to designate the maximum tonnage or weight of automobiles, trucks, and other vehicles that are permitted to travel over and on such public roads, highways, ferries and bridges which are maintained by the County Road Department; and in case of a violation of the regulations prescribed in such instances, the person or persons violating same shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$50.00 for each violation.

SECTION 26. That the County Road Superintendent shall prepare and submit at the July term of the quarterly county court a full and detailed estimate or budget showing the cost of work and expenditures necessary for the improvement and maintenance of the highways, roads, bridges and culverts for the ensuing year, upon which the quarterly county court may base the appropriations and levy taxes to meet the expenses of such road construction, improvement and maintenance as said report or budget shows necessary, or may be found by the court to be needed.

SECTION 27. That, in an emergency, the County Road Superintendent is authorized to enter rental contracts for the securing of machinery and equipment for use in his department for a period of one month. Provided that, after a period of one month, machinery and equipment rentals are still necessary, said rental contracts shall be approved by a majority of the Purchasing Committee.

SECTION 28. That the County Road Superintendent shall secure's workmen's compensation insurance and liability insurance with solvent companies for not less than ten thousand (\$10,000.00) dollars and keep the same in force, paying the premiums from the General Highway Fund.

SECTION 29. That the provisions of this Act are hereby declared to be severable. If any of the sections, provisions, exceptions, sentences, clauses, phrases or parts thereof be held unconstitutional, invalid or void, the remainder of this Act shall continue in full force and effect, it being hereby declared to be the legislative intent that this Act would have been adopted even if such unconstitutional, invalid or void section, provision or matter had not been included therein. Nothing in this Act shall be construed as interfering with the term or emoluments of the office of the present County Road Superintendent in the County to which this Act applies and holding office under Chapter 10, Private Acts of 1933, until the end of the term for which he has been elected.

SECTION 30. That Chapter 10, Private Acts of 1933 and all amendments to said Act which in substance is

an Act creating the office of County Road Superintendent and setting up a system of county roads which applies to Sevier County, be and the same is repealed and all other Acts in conflict with the provisions of this Act are hereby repealed.

SECTION 31. That this Act shall be of no effect until approved by a two-thirds vote of the Quarterly County Court of any county affected at a regular session occurring more than thirty (30) days subsequent to the approval hereof by the Chief Executive of the State. The presiding officer of the quarterly county court shall proclaim the approval or disapproval thereof and shall certify the same to the Secretary of State at Nashville.

SECTION 32. That this Act shall take effect for the purpose of validating the same as provided for in Section 29 from and after its passage and for other purposes on the date and dates set out in this Act, and for any purpose, the effective date for which is not otherwise specified, on and after September 1, 1970, the public welfare requiring it.

Passed: May 2, 1969.

Highways and Roads - Historical Notes

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

1. Acts of 1801, Chapter 72, authorized the County Court of Sevier County, as a body politic, to open a road from Sevierville to the boundary of the State in a direction towards the most convenient part or commercial place in Georgia. The court could appoint one or more viewers to view, lay off and mark the road at a compensation of \$2.00 per day. The Court was authorized to levy a road tax to defray the expenses of building the said road, and, in addition, could appoint toll gate keepers to collect tolls in accordance with the schedule set up in this law. The Court could make such other rules and regulations deemed necessary to accomplish the objective. Anyone passing a toll gate without paying was subject to a fine of \$10.
2. Acts of 1803, Chapter 38, permitted the County Court to contract with any person, or persons, to open, clear and keep in repair a road (unidentified in the act but apparently well known to the County Court), and the Court may grant such person toll collecting rights not to exceed twenty years and may cause a toll to be collected for the use and benefit of the county for a period not to exceed twenty years.
3. Acts of 1819, Chapter 40, recited that it had been represented to the General Assembly that James P. H. Porter, and others, had viewed and marked a road from David Frazier's place in Sevier County to the top of Smoky Mountain running from Knoxville to Augusta, Georgia by way of Sevierville, which would reduce the distance by 80 to 100 miles. This Act appointed Porter, above, Alexander Preston, Robert H. Rodgers, William Henderson and James Wilson, as Commissioners to superintend the opening and completing of the said road. They were required to make a bond and would not be paid for serving as Commissioners. When, and if, it became impossible to keep the road going by means of subscription, the Court of Pleas and Quarter Sessions may levy a tax to sustain it.
4. Public Acts of 1821, Chapter 6, required the County Courts of the various counties to classify all the roads in the County into three different classes and to index them which was the first step towards a statewide system of roads and the pattern for many road laws to follow. Width and surfacing were the two standards to be used and penalties were incorporated for damaging or obstructing public roads for the first time.
5. Private Acts of 1821, Chapter 105, incorporated James P. H. Porter, Alexander Preston, Simeon Perry and Robert Rogers of Sevier County and Peter Bryan and William Cate of Jefferson County as the Smoky Mountain Turnpike Company to build a road from Sevierville towards the Georgia line. Anyone working for one week on this road in Sevier County could travel it for one year toll free.
6. Private Acts of 1835-36, Chapter 87, appointed James P. H. Porter, Micajah C. Rogers, Anthony Lawson, John Mullendore and Elijah Cate, as Commissioners to lay off and build a road of the first class from the end of the Smoky Mountain Turnpike Road in Sevier County to the public road in or near Cumberland Gap in Claiborne County. They were to make reports to the County Courts through which the road would pass whereupon the Court shall appoint an overseer and hands to keep the road in good repair. Any failure to comply could lead to indictment and trial.
7. Acts of 1839-40, Chapter 78, appointed Alexander E. Smith and William Jack of Cocke County; Barnett Thornton, Joseph Hill and James Webb of Jefferson County; and James P.H. Porter, Senior,

and Micajah C. Rogers of Sevier County as commissioners of view. These commissioners were directed to mark and lay off an alternation in the location of a certain part of the road leading from Newport, in Cocke County, to Sevierville, in Sevier County, passing through a portion of Jefferson County. Once the commissioners of view reported their actions to the county courts of the respective counties, the county courts were directed to appoint overseers to perform the alterations and to keep the road in good repair as a road of the first class. Once these changes were accomplished, the road's location was not to be changed except by order of two-thirds (2/3) of the county court of the county wherein the changes were proposed.

8. Acts of 1841-42, Chapter 32, appointed William Ogle, Senior, Andrew Pearce, Robert Shealds, George W. Cowan, William Catlet, Ira M. Hill, Allen S. Bryan, Jesse Langston and William Thompson, as Commissioners, to open books and to receive subscriptions of stock up to \$25,000 to make a turnpike road from the northern end of Smoky Mountain Turnpike to some point on the route leading to Cumberland Gap which point would be designated by the Commissioners. The point, however, would be kept below the Pigeon River mountains. When the road was completed, one toll gate could be erected, but no resident of Sevier County would be compelled to pay any toll charges.
9. Private Acts of 1843-44, Chapter 52, appointed Alexander E. Smith, John German, William A. Simms of Cocke County; Joseph Hill, James Webb and John Dickey of Jefferson County; and James P. H. Porter, John Walker, Lemuel Bogart, George Fox and John Bird of Sevier County, as Commissioners to view, mark and lay off an alteration in the location of the road leading from Newport in Cocke County to Sevierville. When the alteration has been marked by this group of Commissioners, it shall not be changed by anyone else.
10. Private Acts of 1843-44, Chapter 203, appointed George McCown, John Mullendore, William Henderson, Martin Shults, William Ogle, Senior, William Trentham, Robert Shields, William Catlett, John Ellis, Samuel Bailey, John Walker, J. M. Hammer, G. W. Porter and George Fox, as Commissioners, to open the books and receive up to \$10,000 in stock subscriptions for a road to run from the north end of the Smoky Mountain Turnpike to Pigeon Forge on the west fork of the Little Pigeon River. Shares would be sold at \$20 each, and this company could purchase all the shares of the Turnpike Company, if it so desired.
11. Private Acts of 1845-46, Chapter 150, authorized James P. H. Porter, John Mullendore, Allen S. Bryan, William Catlett, George McCowen, John Walker, William Ogle, Senior, J. H. Hammer and William S. J. Ford and their associates, to incorporate as the Sevier County Turnpike Company to build apparently the same road described in Private Acts of 1843-44, Chapter 203, above. They could issue up to \$6,000 in \$20 shares. The act had a schedule of tolls to be charged at the one toll gate to be allowed, but residents were exempted from paying it.
12. Private Acts of 1851-52, Chapter 276, incorporated M. W. McCown, William Catlett, Milton Carter, West J. Emert, William Ogle, Senior, Daniel W. Ragan and H.M. Thomas as the Sevier County Turnpike Co., with up to \$5,000 capital to build a road from the top of Smoky Mountain on a line between North Carolina and Tennessee to the first ford of the west fork of the Little Pigeon River above West J. Emert's place in Sevier County. There were rules for the operation of the company and specifications for the road which must be met. A schedule of tolls to be charged was included and provisions made for periodic examinations to be conducted both of the physical aspects of the road and the financial records of the company.
13. Acts of 1901, Chapter 136, was a statewide road law for all counties under 70,000 in population. The County Court would elect one Road Commissioner in each Road District which would be co-extensive with Civil Districts who would serve two-year terms. Their duties were set out for which they would receive \$1.00 per day for each day actually worked, not to exceed ten days in one year. A road tax of two cents per \$100 of property valuation was levied and the duties of the courts, the chairman of the Road Commission and the members of the Commission were enumerated fairly extensively. All males between the ages of 21 and 45 were subject to work on the roads as the County Courts might determine and penalties established for any failure to do so. Prisoners were also required to work on the roads under prescribed conditions. Procedures to open, close or change roads were promulgated which must be observed by anyone desiring them. Work on the highways could be contracted under certain conditions. This Act was involved in litigation in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (Tenn. 1906).
14. Public Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the procedures to be followed to open, close or change a road.
15. Public Acts of 1909, Chapter 60, seemed to be a typical county road law, but it did not apply to Sevier County as some had previously indicated.

16. Private Acts of 1915, Chapter 496, allowed the Quarterly County Court to issue \$5,000 in interest bearing warrants which would be used to macadamize certain roads in Sevier County on the most direct routes as determined by the Road Commission. An equal amount would be spent on the roads until they intersected and the remainder on such as were left after that. Authority to levy a tax to pay the warrants was granted in this Act.
17. Private Acts of 1915, Chapter 616, authorized the Quarterly County Court of Sevier County to levy an annual tax not to exceed more than 30 cents per \$100 of taxable property to lay out, open, grade and macadamize a public road of the first class from the present forks of the public road at the new pike near Mrs. Mollie Hicks residence in the 4th Civil District, to the new pike survey at a point on the southwest side of the big East Fork of Little Pigeon near Long ford and to construct a suitable bridge across the river between Red Bank Church and Mitchell's ford. Three commissioners were to be appointed to supervise the contract and the work and to report to the Quarterly Court. They may employ an engineer to oversee the work, if deemed essential.
18. Private Acts of 1915, Chapter 626, amended Acts of 1913, Chapter 43, by allowing the County Court of Sevier County to direct the Pike Commissioners to expend the remainder of the \$25,000 provided in Subsection 7 thereof upon the public roads leaving the present new grade near Sheldon Ogle's and leading up Bird's Creek to or near the mouth of Campbell's Branch and on to Emert's Cove.
19. Private Acts of 1923, Chapter 472, created the office of Road Superintendent in Sevier County, who would be elected by the County Court at its July term for two years. He must take an oath, make bond and be in full charge of the roads and the road tools and equipment. He will be the Chairman of all the road commissions and the Chief engineer of the county. He shall be 30 years old, or older, a civil engineer with at least two years experience and a person of good character. His salary is set at \$2,400 annually, payable in monthly installments.
20. Private Acts of 1929, Chapter 634, was a road law for Sevier County which classified roads into four classes according to width and to surfacing materials. Cities would continue to exercise control over their streets. Edd Sheperd, Roy Fox and P.J. Ward were named to the first County Highway Commission, serving staggered three-year terms taking an oath and posting a \$2,500 bond as required. The Commission would have regular and called meetings. They would exercise supervision over all roads, designating the ones to be improved, expending the road funds, and may employ an engineer and attorney, if needed. They would get \$4.00 per day, and expenses, but must file an itemized, sworn statement. The Secretary would keep the records, and the Commission would report to the Court. Each Civil District would constitute a road district. Each section of road would have a foreman who would serve for two years and be in charge of maintaining that section of road. All males 21 to 50 years old, were required to work six, ten hour days on the roads, or pay \$1.00 for each day missed. Penalties were provided for violations of this Section, and procedures were established to enforce the working of the roads. Work could be contracted out but not in excess of the money available. The Commission was required to act on the petitions to open, close or change the roads and could set the allowable weights for vehicles. The Court could levy a tax from 20 cents to 50 cents per \$100 of taxable property for roads. District Road Commissioners were abolished.
21. Private Acts of 1931, Chapter 199, amended Public Acts of 1929, Chapter 54, by adding a provision that convicts may be worked on public roads and quarries in Sevier County from morning until night as deemed practical by the Chairman of the County Highway Commission, and further, that all petitions to open, close or change a road be addressed to the District Road Commissioner who shall immediately initiate the procedures provided in the law for hearings and appeals therefrom, if necessary. The limits on the road tax were increased from 30 cents to 60 cents per \$100 property valuation. Males aged 21 to 45 were required to work six, ten hour days on the roads or pay \$4.50 as a commutation charge, but would not be required to work outside his district. All commutation fees would be spent in the district from which they were collected. All tools were to be given to the County Highway Commission whose compensation was increased to \$5.00 per day, plus expenses when outside the county. This Act was repealed by Private Acts of 1933, Chapter 435, below.
22. Private Acts of 1931, Chapter 204, exempted Sevier County from the provisions of Public Acts of 1901, Chapter 136, the statewide road law, as that law involved District Road Commissioners and Section overseers. The District Road Commissioners would turn over all money in their hands to the Trustee of Sevier County and all the tools and property which came into their hands and under their control as District Road Commissioners to the County Highway Commission.
23. Private Acts of 1931 (2nd Ex. Sess.), Chapter 75, amended Private Acts of 1931, Chapter 199, by striking out Section 4 entirely and inserting a provision which declared that no citizen of Sevier

County, regardless of age, shall be required to work on the public roads, or pay any money in lieu thereof. All laws in conflict with this provision are hereby repealed.

24. Private Acts of 1933, Chapter 10, created the position of County Road Superintendent and became the next road law for Sevier County. The Superintendent would be elected by popular vote for two-year terms beginning in August, 1934, vacancies occurring between elections to be filled by the County Court. His salary would be \$1,500 annually, payable in monthly installments, plus actual expenses incurred in the discharge of his duties, when supported by sworn, itemized statements. O.E. McMahan was appointed to serve as Road Superintendent until the election. All materials, tools, supplies, records and anything in the hands of the County Highway Commission would be turned over to the Superintendent. He would be the county agent in dealing with the State and expend the road funds derived from all sources, including the gas tax. The Court could levy a road tax from 20 cents to 30 cents per \$100 which shall be used only for road purposes. The Road Superintendent was vested with the authority, duty and obligations formerly possessed by the Highway Commission. Prisoners could be worked on the roads as specified, and the Superintendent could employ a Secretary at a salary of \$75 per month, or less, to keep the office open, as required. He could also employ an engineer, when needed, and do all other acts incidental to the discharge of his duties. Employees would work a ten hour day and be paid at the rates established in the Act. Those powers mentioned before, such as condemnation, and disposal of petitions to open, close or change roads are repeated herein. This act had only a general repealing clause.
25. Private Acts of 1933, Chapter 435, expressly repealed Private Acts of 1931, Chapter 199, which was the former road law of Sevier County, in its entirety.
26. Private Acts of 1933, Chapter 439, amended Public Acts of 1929, Chapter 54, by adding a provision at the end of Section One which exempted Sevier County from its provisions.
27. Private Acts of 1939, Chapter 592, amended Private Acts of 1933, Chapter 10, Section 3, by extending the term of the County Road Superintendent from two years to four years, but he could not succeed himself.
28. Private Acts of 1943, Chapter 236, amended Private Acts of 1939, Chapter 592, above, by removing the prohibition of succeeding himself from the County Road Superintendent.
29. Private Acts of 1943, Chapter 305, amended Private Acts of 1933, Chapter 10, by increasing all the daily rates of pay set out in that section for various road employees by 50 cents per day.
30. Private Acts of 1945, Chapter 205, amended Private Acts of 1933, Chapter 10, by rewriting Section 22 so as to provide for a ten hour working day for county highway employees at 50 cents per hour and 60 cents per hour for skilled labor. Accurate records were required to be kept for each employee showing his rate of pay.
31. Private Acts of 1949, Chapter 289, amended Private Acts of 1933, Chapter 10, by increasing the salary of the Road Superintendent from \$1,500 to \$2,400 per year, the salary of the Secretary from \$75 per month to \$1,500 per year, and the hourly wage of unskilled labor from 50 cents to 60 cents per hour and of skilled labor from 60 cents to \$1.00 per hour, all raises to take effect on January 1, 1949.
32. Private Acts of 1951, Chapter 611, amended Private Acts of 1933, Chapter 10, by reducing the term of the County Road Superintendent beginning in 1952 to two years, as it formerly was.
33. Private Acts of 1953, Chapter 253, amended Private Acts of 1933, Chapter 10, by increasing the salary of the Secretary from \$1,500 to \$1,800 annually.
34. Private Acts of 1955, Chapter 394, would have increased the salary of the County Road Superintendent from \$2,400 to \$3,600 a year beginning September 1, 1956, but the act was disapproved by the Quarterly County Court and never became a law.
35. Private Acts of 1957, Chapter 122, amended Private Acts of 1933, Chapter 10, by increasing the salary of the County Road Superintendent from \$2,400 to \$3,600 and by changing the hourly rate of pay for skilled workers in Section 22 from \$1.00 to \$1.25. The amendment for the Road Superintendent would take effect on September 1, 1958.
36. Private Acts of 1959, Chapter 232, amended Private Acts of 1933, Chapter 10, by striking "not to exceed \$75 per month" as it appeared in Section 17, and inserting "not to exceed \$200 per month", thus raising the limitation on the Secretary's salary.
37. Private Acts of 1961, Chapter 334, amended Private Acts of 1933, Chapter 10, Section 6, by increasing the salary of the Road Superintendent from \$3,600 to \$4,500 per year.
38. Private Acts of 1965, Chapter 248, was a road law for Sevier County but was not approved by the

Quarterly County Court and thus never became effective. The act created the office of County Road Superintendent who would be elected by popular vote for a two year term, any vacancy to be filled by the County Court until the next general election. He would take an oath, make a \$5,000 bond and receive a salary set by the County Court between \$5,000 and \$6,500 per annum. He must submit budget requests and itemized expenditure reports. The Superintendent would have charge of all roads, highways, bridges and culverts in the county except city streets which would remain under the jurisdiction of the city government. The Superintendent's office must be kept open during regular hours, but he could employ a Secretary whose salary limit was fixed at \$300 a month and an engineer, if need be, at a contract price. The act created a highway fund, repealed all compulsory road labor requirements except prisoners could be worked as may be agreed on with the Sheriff. A Purchasing Committee was formed consisting of the County Judge, the Road Superintendent, the County Court Clerk and the County Trustee, who would approve all purchases with the requirement that all purchases over \$500 must be by bid. Procedures to open, close and change roads were established and the road levy could not exceed 30 cents per \$100 property valuation. All tools and equipment must be plainly marked as the act directs. An advisory board of one member from each Road District was formed. This Act repealed Private Acts of 1933, Chapter 10, and all its amendments.

39. Private Acts of 1965, Chapter 292, amended Private Acts of 1933, Chapter 10, by setting the hourly wage for unskilled labor at \$1.00 to \$1.25 per hour and for skilled labor at \$1.25 to \$1.75 per hour. The salary limit placed on the Secretary to the Superintendent was increased from \$200 to \$300 per month.
40. Private Acts of 1969, Chapter 104, would have been the next complete road law but was not acted on by the Quarterly County Court. This Act was very similar to Private Acts of 1965, chapter 248, which was also rejected by the Quarterly County Court. The important changes were that a minimum road tax of thirty cents per \$100 property valuation was established in Section 11. Section 16 was changed to remove the restrictions placed upon the Road Superintendent in the hiring of those who were to assist him. A new Section 17 was added, but it was almost identical with the latter half of old Section 16. Section 25 required the Budget to be submitted at the July term instead of the January term of the Court. Section 27 had some minor alterations, and the Advisory Committee was omitted in this Act.
41. Public Acts of 1974, Chapter 809, directed the State Transportation Department to construct or rebuild a bridge on old State Route 66 in Sevier County. The Act also appropriated \$500,000 from the state highway fund for these purposes.
42. Public Acts of 1981, Chapter 87, named the bridge crossing the French Broad River on old State Highway 66 in Sevier County, the "Dr. Hobart Ford Bridge" and provided for appropriate markers for the bridge.

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-ix-highways-and-roads-43>