



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter IX - Highways and Roads

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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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# Chapter IX - Highways and Roads

## Road Law

### Amendments to Road Laws

1. Private Acts of 1951, Chapter 203, reestablished the position of Road Supervisor in Sequatchie County (identified by 1950 population figures) who would be elected by the voters to two year terms, beginning in the August election, 1952. Until that time W. C. Allen would serve as Road Supervisor. The Supervisor would be sworn, bonded for \$5,000, and could not be a member of the Quarterly Court. Vacancies would be filled by the County Judge until the court could meet and then by the court until the next general election. The Supervisor was to devote full time to the office for which he would be paid \$250 per month, be furnished a pick-up truck and its operational expenses for his use. The Supervisor would have supervision over the road department and its employees, would secure supplies through the methods prescribed in the act, keep records of all the transactions in the department, and lay out and classify roads into four standard classes. W. B. Standefur was named bookkeeper until the July term of the quarterly court in 1952 when his successor would be appointed. His salary would be \$125 per month. The act named H. E. Reynolds as purchasing commissioner to serve until the April term of 1951 for the quarterly court when his successor would be appointed for 1 year. They were to be paid \$5.00 for each meeting but not over \$60 in one year. The Purchasing Commission would supervise all bid openings and the award of contracts pursuant thereto.
2. Private Acts of 1967, Chapter 296, amended Chapter 203, Private Acts of 1951, by raising the monthly salary of the Road Supervisor from \$250 to \$400, and the salary of the bookkeeper was increased in Section 4 from \$125 to \$250 per month.
3. Private Acts of 1968, Chapter 493, amended Section 1, Chapter 203, Private Acts of 1951, by substituting a provision in the first paragraph to state that at the next general election in August, 1968, a Road Supervisor would be elected and qualified, who would hold office for a term of four years, commencing September 1, 1968. No member of the County Court would be eligible for the post of Road Supervisor. This Act was properly ratified by the Quarterly Court of Sequatchie County.
4. Private Acts of 1972, Chapter 239, also amended Chapter 203, Private Acts of 1951, in Section 1, to set the salary of the Road Supervisor at \$700 per month instead of \$400 per month.
5. Private Acts of 1974, Chapter 333, was an amendment to Chapter 203, Private Acts of 1951, by elevating the salary of the bookkeeper of the Highway Department from \$250 per month to \$4,000 annually.

### Private Acts of 1953 Chapter 575

**COMPILER'S NOTE:** The following act, Chapter 575 of the Private Acts of 1953, is the current road law in effect for Sequatchie County. However, all amendments to the road law have affected Chapter 203, Private Acts of 1951, though the 1951 Act was repealed by the general repealer clause of the 1953 Act.

Certain differences between the 1951 Act and the 1953 Act should be noted, particularly the method of purchasing materials and equipment necessary for the road department, the duties of the bookkeeper, and the prohibition against payment of any salaries from the general county fund. Also, many provisions of the following Act have been superseded by the Uniform County Road Law, found in Tennessee Code Annotated, Title 54, Chapter 10. Summaries of the 1951 act and its amendments follow this act.

**SECTION 1.** That all counties of this State having a population of not less than 5500 and not more than 5700, under the Federal Census of 1950 or any subsequent Federal Census, shall elect at the next general election in August, 1954, a Road Supervisor, who shall hold his office for a term of two (2) years, or until his successor is elected and qualified, provided that no member of the County Court shall be eligible to the office of said Road Supervisor. That for the purpose of carrying out the provisions of this Act, G. H. Johnson is hereby appointed to serve as Road Supervisor until the regular election in August, 1954.

The said Supervisor shall take his oath of office in September following the election as other County officials, and before he assumes the duties and obligations of his office he shall be required to make an indemnity bond in the amount of Five Thousand (\$5,000.00) Dollars with some solvent bonding company authorized to do business in the State of Tennessee, payable to the County, that he will faithfully and honestly comply with the requirements of his office. Said bond shall be paid out of the fund set up herein

as other payments authorized herein.

The Road Supervisor may be removed from office by a majority vote of the Quarterly County Court at any of their regular sessions and upon conviction by said Court after trial that he has been guilty of any illegal acts in office or for the conviction of violating any of the provisions of this Act, but he shall first be furnished with a copy of the charge against him at least five days before date of trial and shall be accorded all rights to defend himself as would be the case in a civil trial in this State. In case of vacancy in office occurring while the Quarterly County Court is not in session, the same shall be filled by appointment made by the Judge of said Court to hold until the next regular meeting of the said Court, when the vacancy will be filled by said Court until the next regular August election. Said Supervisor shall be a resident of the County for two (2) years next preceding the election in which he seeks the office and shall be a free-holder in said County.

The said Road Supervisor shall devote his entire time to the duties of his office. In the event the County needs his services in connection with other road construction, or for the securing of right-of-ways for other roads or highways not directly under his supervision he must make himself available. The said Road Supervisor, when elected under this Act, shall receive \$250.00 per month, for his services, and in addition he shall be allowed a County owned automobile or pick-up truck to make his trips over the County roads, said upkeep and gas used in said vehicle shall be paid out of the County Road Fund. Said Road fund is herewith declared to be comprised exclusively of two (.002c) [sic] cent gas tax received from the State; and at any time should this gas tax be withheld, for whatever purpose, then all expenses of road building including salaries, shall terminate and payment cease; and said supervisor and County Judge, hereinafter set forth, shall have no authority or power to obligate the general county fund or create under this Act any liability against said County, but shall be restricted exclusively to the said tax on which to operate.

**SECTION 2.** That all salaries, wages, compensation, and all other disbursements authorized hereunder shall be paid from said Road Fund set up herein, and no charge hereunder shall be or become a charge against the general County fund or any other county fund.

**SECTION 3.** That the said Supervisor shall have general supervision of all common, graded and mechanized roads in the County, other than the State and Federal Highways. An emergency fund of Two Thousand Five Hundred (\$2,500.00) Dollars, is hereby set up each month and the same is to be used by said Supervisor in the purchase of materials, machinery and other articles necessary for the carrying on of his duties as such; said materials, machinery and/or other articles shall be such that they could not have been anticipated in advance of their need and shall not be such materials or articles of which said department has continuous need for, such, within the meaning of this Act, to be purchased by said department under rules of public advertisement and bid as set up hereinafter; said emergency fund shall not be cumulative and any portion of said \$2,500.00 not expended during the current month, shall revert to the general fund of said department. It shall be the duty of said Supervisor to take receipts showing the full amounts paid for such purchases and file said receipts along with his report, to be made monthly, with the Clerk of the County Court, which shall show thereon from what person, firm or corporation said purchases have been made and shall become a part of the road records. Any debts incurred by said Supervisor in violation of this section or any other section hereby shall become an obligation against himself and bondsmen, and shall be collected by the County as other debts, and when paid shall be returned to the County road fund.

The said Supervisor shall have the right and authority to employ persons to do work in laying out, constructing and repairing all the public roads and bridges in said County, and fix the wages or salaries to be paid such employees. He shall have control of all machinery and tools and other property necessary and proper in the building and maintaining of roads, which are now the property or may become the property of such county. However, he shall have no right or authority to dispose of any equipment, machinery or other supplies without the consent of said County Judge, which, if given, shall be sold by public bid or auction, whichever, in their opinion, may be to the greatest advantage to said County. The Supervisor shall be authorized to sell any crushed stone owned by said county at a price or rate set by the Quarterly County Court, the proceeds from such sales to be deposited in the County road fund.

**SECTION 4.** That the Supervisor shall issue warrants, countersigned by the County Judge, to the County Trustee for the disbursements provided for under this Act, subject to such further restrictions as set out hereinafter.

**SECTION 5.** That said Road Supervisor shall keep or cause to be kept a record of all his action, preserve all papers, accounts, petitions and reports which may come into his hands, and which shall become public records, subject to public inspection. He shall keep a full and complete record of all claims which he orders paid and it shall be the duty of the County Judge to audit the account so ordered paid. The said Supervisor shall make or cause to be made a complete detailed report to each Quarterly County Court term, in duplicate, one to be retained in the office of the Supervisor and the other to be filed with the County Court

Clerk. At the first session each year of the said Quarterly County Court a complete inventory of all machinery, tools and all other property shall be shown in said report, showing in what repair same is as well as to report the condition of each district roads and bridges.

**SECTION 6.** That for the purpose of this Act, W. B. Standefer, is hereby appointed bookkeeper of the County Highway Department and is to serve in that capacity until the July term of the Quarterly County Court in 1954, at which time said Court is hereby authorized and directed to elect his successor to serve for a period of two years from the date of his election. Said Bookkeeper is to keep all the records of the County Highway Department and such records or such method of bookkeeping shall be used as the Quarterly County Court shall designate, and said Bookkeeper is to work in the office of said Supervisor. Said Bookkeeper, when so employed shall receive compensation not to exceed One Hundred Fifty (\$150.00) Dollars per month. It shall be the duty of the bookkeeper set up herein to report to the County Judge any payment or account of whatever nature of kind which has been due and not paid by said Supervisor for more than thirty (30) days, and when so notified it shall be the duty of said Judge to investigate said report immediately and should he find said report to be true he shall refuse to countersign or approve the payment of any wages or salaries from said fund until a warrant or order shall have been issued by said Supervisor for the payment of said delinquent account or obligation.

**SECTION 7.** That said Supervisor shall submit as often as necessity dictates to the County Judge of such counties request for all machinery, equipment, and supplies which he deems necessary for the proper operation of said department, which, if agreed upon shall be purchased by closed bid after having first advertised same in some newspaper of general circulation in said County for three (3) weeks, stating the machinery, equipment, or materials desired, and setting forth in said publication the general specifications thereof, and time and place of opening of bids, and all such purchases shall be closed with the lowest bidder, but such bids may be all rejected and then re-advertised. No specification for such machinery, equipment or articles needed under this Act shall be so worded as to exclude competitive bidding but shall state in general terms the classification, and object to be accomplished therewith, together with the quality desired. All such bids shall be received in the office of the County Judge and shall be opened in the same office before all bidders wishing to attend on the date announced in said advertisement. For the purpose of this Act all equipment and machinery acquired under conditional sale or rental purchase agreement shall be defined to be a "purchase" under the scope of this Section. All articles and supplies purchased by said Supervisor not coming within the purview of Section 2, paragraph one (1) of this Act shall be purchased under the rules set up in this Section.

**SECTION 8.** That the said Supervisor shall not obligate the said road fund for the payment of anything under which said department shall pay over a period extending beyond the term of office of any current Supervisors, that is from September 1st to August 31st, any obligation in violation of this Section shall become null and void and shall not be chargeable against said road fund or any general fund of said County.

**SECTION 9.** That for the purpose of this Act the Trustee of any County coming under this Act shall have the authority and is directed to immediately deduct from each monthly gas tax payment of said County 8 per centum of said monthly payment and transfer same to the appropriate fund of said County until said County fund shall have been reimbursed for all obligations and payments which have or may be made from said fund on account of expenditures or obligations which were previously made by any highway department prior to the one set up under this Act. However, said Trustee shall have no authority to deduct or transfer any of said fund for expenditures or obligations made by the departments set up herein or hereinafter.

**SECTION 10.** That all laws and parts of laws in conflict herewith be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1953.

## Speed Limits

### Private Acts of 1974 Chapter 174

**SECTION 1.** The Quarterly County Court of any county having a population of not less than 6,000 nor more than 6,500 according to the United States Census of Population of 1970, or any subsequent United States Census of Population, shall have the authority to fix the speed limits on the various county roads and highways outside of incorporated municipalities in the county and may fix different speed limits in commercial, industrial, urban, residential, or rural areas, or in school zones or other congested areas, at dangerous intersections, curves, hills and similar places.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly

County Court of any county to which it may apply. Its approval or nonapproval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving this Act as provided in Section 2, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall be effective upon being approved as provided in Section 2.

Passed: January 31, 1974.

## Highways and Roads - Historical Notes

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

1. Public Acts of 1901, Chapter 136, was a general road law applicable to all Tennessee counties under 70,000 in population according to the 1900 Federal Census. The county court could select one road commissioner who would serve two years, from each road district in the county, the road districts being co-extensive with the civil districts in the county. The road commissioner would be sworn, bonded, and supervise all roads, bridges, road hands, tools and materials in his district at a compensation of \$1.00 per day for each day worked but not to exceed \$10 in a year. The county court would fix the number of days, which were to be no less than five, nor more than eight, all of eight hours duration, which road hands were compelled to work, and to establish the price one days' labor was worth. All males, outside of cities, between the ages of 21 and 45, were subject to compulsory road work. The county court was required to levy a general road tax of two cents per \$100 property valuation for each day the road hands were forced to work. The Road Commissioner in the district must name the road overseers and assign them to a particular section of public road over which they would be in immediate charge, who would work the same number of compulsory days as anyone else, and then be paid for extra days up to \$6.00 for each year. Road Commissioners must hear and dispose of petitions to open, close, or change the roads in their area, must index and classify the roads, and see that the roads met all the basic specifications. (This Act was involved in the case of *Carroll v Griffith*, 117 Tenn. 500, 97 S.W. 66. (1906).
2. Acts of 1905, Chapter 478, amended Chapter 136, Public Acts of 1901, above, in several minor particulars but primarily rewrote the procedures to be followed by counties in the acquisition of rights of way especially when the exercise of the power of eminent domain was to take place.
3. Private Acts of 1929, Chapter 594, created a three member Board of County Highway Commissioners in Sequatchie County for staggered terms initially, and then for three year regular terms who were to be elected by the quarterly county court, sworn, bonded, and compensated as the quarterly court might direct but compensation was not to exceed \$100 annually. A secretary to the board would be paid up to \$150 per year for performing the duties specified in the act. The Quarterly Court could supplement the pay when unusual duties were performed. The Board was to be in general charge of all the roads, bridges, and accessories in the county. The Board could employ a road superintendent at \$5.00 for each day worked who was to be in immediate charge of the road department and discharge those duties stipulated in this act. The Superintendent would have an office in the court house, would periodically inspect all the roads in the county, classifying and indexing them, making reports to the Quarterly Court as needed, and exercising the power of eminent domain when necessary to acquire rights of way but always in conformity with this statute and the general law regulating the same. The Road Superintendent was required to appoint Road Overseers in all districts wherever possible to supervise maintenance on a particular road section. The Commissioners were to have the charge of the County Workhouse and could work prisoners on the roads. A general road tax levy could be made but could not exceed 25 cents per \$100. All males outside cities between the ages of 21 and 45 must work no less than 3 days nor more than 6 days, as determined by the Quarterly Court, or pay a commutation fee of 75 cents for each day missed. This Act was repealed by Chapter 151, Private Acts of 1939, below.
4. Private Acts of 1933, Chapter 381, amended Chapter 594, Private Acts of 1929, Item 3, above, by rewriting the first Section to provide that members of the county highway commission were to be elected by popular vote at the regular August election to serve two year terms, whereupon the three commissioners elected would assume office on the September 1 following the election. The three incumbents at the time of the passage of this act would remain in office until that time.
5. Private Acts of 1939, Chapter 36, closed the public road leading from east to west through the

lands of Mrs. Lula McMahan Harris beginning at Brush Creek on the west side of the farm and running east to the intersection of the public road, all being located in the First Civil District of Sequatchie County. The act restored full control and possession of this section of road to the owner.

6. Private Acts of 1939, Chapter 150, was the next general road law for Sequatchie County (identified by the use of the 1930 Federal Census figures) which provided that a Road Supervisor would be elected for a two year term beginning at the August, 1940, election but no member of the quarterly county court would be eligible to hold the office. This act names B. R. Farmer to serve as Road Supervisor until one could be elected and qualified in accordance with the above. The Supervisor must meet all qualifications, must be sworn and bonded, and all vacancies would be filled by the Quarterly Court until the next general election but, if the court was not in session the county judge would appoint a supervisor. The Road Supervisor must devote full time to the office, would be paid \$150 per month and would be furnished a pick-up truck to make trips at no expense to the Supervisor, all of which would come out of the road tax funds. The Supervisor would appoint a Road Overseer in each civil district who must work all compulsory days but would be paid for days over that amount at rate of \$2.50 per day not to exceed 75 days in one year. The Overseer would be responsible for all road work in the District and submit monthly reports on the same to the Supervisor on road conditions. All males between ages of 21 and 45 were required to work up to six days each year on the county roads, the exact number to be set by the Quarterly Court, or pay \$1.00 for each day not worked. Failure to do either was a misdemeanor. The Supervisor would be in general charge of the road department, make purchases in accordance with the procedures specified in this act, keep sufficient records, and submit reports, hire all employees and fix their wages. D. L. Griffith was named as Bookkeeper for 2 years at a salary of \$50 per month.
7. Private Acts of 1939, Chapter 151, expressly and entirely repealed Chapter 594, Private Acts of 1929, Item 3, above, and all the amendments to that act.
8. Private Acts of 1941, Chapter 220, repealed Chapter 150, Private Acts of 1939, Item 6, above, in its entirety. This Act created a three member county road commission who were to be elected by the people at large which commission would have general jurisdiction and authority over all county roads. The commission would meet at the courthouse on September 1 following the election and elect a chairman and a secretary. The Chairman would devote full time to the duties of the office supervising all the employees and the distribution of the highway funds for which he would be bonded. The Chairman would see to all record keeping and accounting and countersign all the warrants drawn on highway money. The Chairman would supervise the garage and machinery and make all essential reports to the secretary as he was required to attend all the meetings of the commission. The chairman would be paid \$150 per month, the secretary, \$75 per month, and the associate member would get \$3.00 per day for each day of attendance, all of which would be paid out of road funds. The Commission would meet at least every two weeks. All purchases over \$200 must be by competitive bid. The Act named E. Wiseman, as chairman, Lester Harwood, as secretary, and Willie Wells as associate. The Quarterly County Court must levy a general road tax of ten cents per \$100 to supplement other road funds. (This Act was declared unconstitutional in Farmer v. Wiseman, 177 Tenn. 578, 151 S.W. 1085 (1941).
9. Private Acts of 1943, Chapter 138, amended Section 6, Chapter 150, Private Acts of 1939, by striking the language which established an emergency fund of \$250 each month from which the Road Supervisor could buy materials when needed, and amended Section 9 in the sixteenth line by raising the salary of the bookkeeper from \$50 to \$75 per month.

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