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Road Law

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Sincerely,

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Road Law

Private Acts of 1951 Chapter 55

SECTION 1. That there is hereby created a County Highway Commission for Rutherford County, Tennessee. Said Commission shall be vested with complete authority over the construction and maintenance of all county roads, highways and bridges in the County and the expenditure of all highway funds.

As amended by: Private Acts of 1985, Chapter 4

SECTION 2. Rutherford County is divided into seven (7) road districts, as follows:

Road Board District I. Road Board District I shall be composed of County Commission districts 5, 11, and 12.

Road Board District II. Road Board District II shall be composed of County Commission districts 1, 2, and 3.

Road Board District III. Road Board District III shall be composed of County Commission districts 4, 6, and 7.

Road Board District IV. Road Board District IV shall be composed of County Commission districts 8, 9, and 10.

Road Board District V. Road Board District V shall be composed of County Commission districts 17, 18, and 21.

Road Board District VI. Road Board District VI shall be composed of County Commission districts 13, 15, and 16.

Road Board District VII. Road Board District VII shall be composed of County Commission districts 14, 19, and 20.

The county commission districts referred to in this section shall be those established by the Rutherford County commission in a redistricting plan adopted by the commission in 2012. The county commission is authorized to make subsequent redistrictings of the road board districts from time to time as necessary for the election of road board members from districts that are substantially equal in population. Such districts shall be so defined that they contain one (1) or more county commission districts and that their boundaries shall conform to those of county commission districts.

At the August 2012 general election for county officers, one (1) road board member shall be elected by the qualified voters of Road Board District III, one (1) member by the qualified voters of Road Board District V, one (1) member by the qualified voters of Road Board District VI, and one (1) member by the qualified voters of Road Board District VII. All members elected in 2012 shall serve for terms of four (4) years and until their successors are elected and qualified; except that the road board commissioner for Road Board District VII, shall be elected to a six-year term in 2012 to be succeeded by four-year terms thereafter.

At the August 2014 general election for county officers, one (1) road board member shall be elected by the qualified voters of Road Board District I, one (1) member by the qualified voters of Road Board District II, and one (1) member by the qualified voters of Road Board

District IV. All members elected in 2014 shall serve for terms of four (4) years and until their successors are elected and qualified; except that the road board commissioner for Road Board

District II, whose present term expires in 2014, shall be elected to a six-year term in 2014 to be succeeded by four-year terms thereafter.

The Rutherford County highway commission shall be composed of the road board commissioners elected as provided above and shall elect a chairperson from among its members. The county mayor shall attend meetings of the highway commission and take part in its deliberations, but shall not have a vote.

As amended by: Private Acts of 1969, Chapter 143
Private Acts of 1972, Chapter 391
Private Acts of 1998, Chapter 155
Private Acts of 2012, Chapter 47
Private Acts of 2012, Chapter 59
Private Acts of 2014, Chapter 47

SECTION 3. That there is hereby created the office of County Highway Superintendent for Rutherford County, Tennessee. Said County Highway Superintendent shall have direct supervision of the construction

and maintenance of all county roads, highways and bridges in the county under the authority and direction of the County Highway Commission and shall have direct supervision of the work, construction and maintenance of all county public drainage easements as designated by the County Highway Commission and approved by the County Legislative Body. It shall be the duty of the County Highway Superintendent to perform all duties directed by the county highway commission, to make such purchases and to employ such personnel as may be necessary to carry out the purposes of this Act. No purchase made by the highway superintendent under the authority of this Act shall become effective until approved by the county highway commission, provided that, in cases of emergency, the Superintendent is authorized to purchase supplies and equipment not exceeding two hundred dollars (\$200) without the approval of the county highway commission. The county highway commission may provide, for the official use of the Superintendent, an automobile, together with maintenance and operating expenses, to be paid for out of the highway fund of the county. At the regular August election for county officers to be held in August, 2000, and every four (4) years thereafter, there shall be elected, by the qualified voters of the county, a county highway superintendent. No person shall be qualified to hold the office of County Highway Superintendent unless he or she meets the requirements for the Chief Administrative Officer of a Highway Department under the County Uniform Highway Law, codified in Tennessee Code Annotated, Sections 54-7-101 (sic).

As amended by: Private Acts of 1985, Chapter 4
 Private Acts of 1998, Chapter 155
 Private Acts of 2002, Chapter 160

SECTION 4. That the County Highway Superintendent shall receive, as his or her compensation, a salary in accordance with Tennessee Code Annotated, Sections 54-7-106 and 8- 24-102, for the Chief Administrative Officer over highways, payable in equal monthly installments out of the highway fund of the county. Each district commissioner shall receive as compensation for one (1) day's attendance at the first meeting in any month, the same amount as members of the County Legislative Body receive for a regular meeting, and shall receive as compensation for each day's attendance at subsequent meetings in the same month, the same amount as County Legislative Body committee members receive for committee meetings, plus a travel allowance in accordance with the standard travel policy of the county. No district commissioner shall be reimbursed for his or her traveling expenses until he or she shall have filed, with the chairman of the highway commission, an affidavit setting forth such traveling expenses in detail. Per diem compensation and reimbursed traveling expenses shall be paid to the district commissioners out of the highway fund of the county.

As amended by: Private Acts of 1957, Chapter 68
 Private Acts of 1963, Chapter 115
 Private Acts of 1972, Chapter 263
 Private Acts of 1975, Chapter 73
 Private Acts of 1998, Chapter 155

COMPILER'S NOTE: Private Acts of 1957, Chapter 68, Section 1, originally amended the Private Acts of 1951, Chapter 55 by changing the salary of the Rutherford County Highway Superintendent from \$3,600.00 to \$4,800.00. However, Private Acts of 1963, Chapter 115 deleted and replaced Section 1 of the 1957 Act without changing any of the language of the 1951 Act. Therefore, the 1957 Act, which at one time directly amended the 1951 Act, now amends the 1951 Act only indirectly. Private Acts of 1957, Chapter 68, as amended by Private Acts of 1963, Chapter 115, is reprinted in its entirety immediately following the present Act.

SECTION 5. That immediately after the passage of this Act the County Highway Commission herein created shall meet in the office now provided for the County Highway Superintendent in the Courthouse, and shall meet on the Second Saturday of every month thereafter at some hour and place to be fixed by the Commission. At its first meeting in each and every calendar year the Commission shall elect one of its members Vice-Chairman, who shall exercise all the powers and duties of the Chairman in the absence of the Chairman. The Chairman may call special meetings to be held at any time or place by giving actual notice to all district commissioners. The concurring vote of three members of the Commission shall be necessary to authorize the transaction of any business by the Commission.

SECTION 6. That each of the aforesaid District Commissioners shall recommend to the Commission as a whole the road work to be done in his Road District, and the Commission may order the District Commissioner and County Highway Superintendent, or any other road official and employees to carry forward such work in the respective districts. Any failure to do so may be reported to the Chairman by any District Commissioner and a special meeting of the Commission must be called to act upon the complaint whenever a District Commissioner shall represent in writing to the Chairman of the Highway Commission that an emergency requiring action of the full Commission exists in respect to road work conditions in his District.

SECTION 7. That the County Highway Commission is clothed hereby with full and complete authority and

power either to buy or requisition (in accordance with provisions of this Act) any and all machinery, tools, graders, crushers, trucks, vehicles, and other implements, and any and all supplies and materials necessary to carry out with safety, economy and dispatch, the purpose of this Act; and to do any and all acts necessary to same. Provided, that no purchase aggregating more than five thousand dollars (\$5,000) shall be made or contract thereof entered into until due advertisement of same shall be made at least one time in some newspaper published in the County, setting forth the amount, quality and description of such materials, supplies and equipment desired, and the time within which written and sealed bids for same be received. Said bids shall be opened in the presence of a majority of the Commission. Such contracts shall in all cases be awarded to the lowest bidder, the quality and suitability for the purposes being the same, provided the Commission shall have the power to reject any and all bids, in which event such proposed purchase shall be re-advertised as above provided.

As amended by: Private Acts of 1961, Chapter 84
Private Acts of 1967-68, Chapter 191
Private Acts of 1998, Chapter 155

SECTION 8. That good and solvent bond shall be executed by the highway superintendent in accordance with the requirements of Tennessee Code Annotated, Sections 54- 4-103 and 54-7-108. Members of the county highway commission shall execute bonds, if necessary, in an amount specified by a resolution of the County Legislative Body. Said bonds shall be executed at the time of taking oath of office and same, being payable to the State of Tennessee for use and benefit of the county where said officials service, and said bonds being for the faithful performance of all duties and obligations of the respective offices, and proper account of and for any and all funds and the expenditure thereof, which may officially come into their hands, or be expended under their supervision, and for a proper account of any and all properties, and the care of same, officially committed to their custody, and the payment of such bonds shall be out of the general fund and copies of same spread upon the minutes of the County Legislative Body.

As amended by: Private Acts of 1998, Chapter 155

SECTION 9. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 10. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 11. That the expenditure of all money belonging to the general road system of the County shall be under the direction of the County Highway Commission. The manner of drawing money out of the County Treasury credited to any road or workhouse accounts shall be on the order of the County Highway Superintendent directed to the County Judge or Chairman who, if satisfied of the authenticity of the order, shall issue a warrant thereon directed to the County Trustee, provided that all expenditures shall have been authorized in accordance with the provisions of this Act.

SECTION 12. That this Commission shall not spend, arrange to spend, or incur indebtedness in excess of its anticipated revenues, which shall be estimated as far as possible by the revenues of the preceding year; this provision, however, shall not be understood to prevent the purchase of machinery or equipment on terms of instalments where absolutely necessary for the proper maintenance of said road system, the total price of which may be in excess of, or may create a total expenditure in excess of, the revenues estimated for a period of one year, provided the instalment payments thereon, together with other expenditures, do not exceed in total the estimated revenues for one year.

SECTION 13. That this Commission be empowered, as far as they may be within the law, to open and close telephone and telegraph and other right-of-way along the public ways of travel, and to supervise and order the placement and replacement of telephone and telegraph and other poles, to the end that same way not obstruct or endanger travel along the public roads and right-of-way.

SECTION 14. In addition to the authority established for highway departments under the County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7, Parts 1 and 2, the County Highway Commission is authorized to exercise supplemental powers as established by this act or any other act of the General Assembly effective in Rutherford County, whether currently in force or enacted in the future. The County Highway Commission be further empowered, as far as it may be within the law, to enter upon, work and maintain public drainage easements acquired by the county to provide for the water drainage and run-off within said public drainage easements. That in entering upon, working and maintaining public drainage easements, the County Highway Commission is vested with the power to condemn under the laws of eminent domain in all lands necessary and in addition to act under the powers of eminent domain as set forth in Section 15 of Chapter 55 of the Private Acts of 1951, as amended. On or before the January 2003, session of the County Legislative Body, the County Legislative body shall establish an official list of recognized public drainage easements in Rutherford County after receiving the recommendation of the Planning Department which recommendation shall be subject to the advice and consent of the County Highway Commission. Thereafter, each January the County Legislative Body shall update such list, after receiving any recommendations for changes, amendments, additions or deletions from the Planning Department which changes, amendments, additions or deletions must have the advice and consent of the

County Highway Commission. Such recommendations shall include a summary of all changes from the public drainage easement listing submitted the previous year. In exercising authority over the work, construction and maintenance of public drainage easements, the County Highway Commission shall only perform such work on public drainage easements which shall have been included on the official list of recognized public drainage easements as established by the County Legislative Body.

As amended by: Private Acts of 2002, Chapter 160

SECTION 15. That in laying out new roads, changing the location of old roads, and locating bridges and culverts, the County Highway Commission is vested with the power to condemn under the laws of eminent domain all lands necessary; and likewise to acquire rock quarries, chert, dirt or gravel beds, and other material necessary for building or repairing roads, highways or bridges, in the manner provided for the taking of private property by public corporation, or in the manner hereinafter set out, and shall also have the power to condemn private property for roads of ingress and egress to and from rock crushers, rock quarries, dirt, chert, or gravel beds, road camps, and for temporary roads when bridges are being erected or repaired or main roads being repaired or when new roads are being opened or old ones restored; to establish new roads or widen old roads. No project shall be undertaken that requires the acquisition of rights-of-way by purchase or condemnation without the prior approval of the Quarterly County Court. In case of agreement as to amount of damages between the owner of private property sought to be taken and the County Highway Commission, then such agreement to be reported to the Quarterly County Court and the amount of damages to be paid out of the County Road Account and shall be paid only after approval by the Quarterly County Court, and in the event no agreement is reached, the County Highway Commission is authorized and empowered to file condemnation proceedings in the Circuit Court, and such proceedings in such Court shall be proceeded with in the manner provided under the general law for taking private property for use of highways. On filing of such petition by said Commission the property sought to be condemned may be utilized at once without awaiting the determination of the suit; and all damages shall be charged against the County, to be paid out of the general county account. The County Highway Commission of Rutherford County shall be authorized to own and operate a plant or facility for the manufacture or production of hot mix asphalt. Within the funds available for such purpose, the County Highway Commission shall be authorized to expand, replace, or alter such plant or facility. It shall be authorized to sell, trade, barter, loan or give away the product of any such plant or facility to any municipality within the boundaries of Rutherford County as may be authorized by resolution of the Quarterly County Court. The Highway Commission of Rutherford County is hereby authorized to own and operate a plant or facility for the manufacture or production of hot mix asphalt. Such hot mix asphalt shall be used for county purposes only.

As amended by: Private Acts of 1969, Chapter 143
 Private Acts of 1977, Chapter 53
 Private Acts of 1981, Chapter 149

SECTION 16. [Deleted by Private Acts of 1998, Chapter 155.] **SECTION 17.** That the said County Highway Commission shall have supervision and control of all public roads and special highways in said county, and shall have control of, and shall expend and allocate all money and funds available for road purposes realized from road tax levies on property in the said county and all other road funds derived from any source coming under the exclusive control of the said county; but nothing herein is intended to deprive the State, or State Highway Department, or Commissioner of Highways and Public Works, from constructing, maintaining, supervising and controlling State maintained roads in said county and expending the funds available by law, or hereafter made available by law, for State maintained roads in said county, but all funds realized from road tax levies shall go into the hands of, and be expended by, this Commission.

SECTION 18. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 19. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 20. That no relative of any District Commissioner or County Judge or of the Highway Superintendent shall be employed under the terms of this Act. The word "relative" as used herein shall mean brothers, sisters, nephews, nieces, uncles and aunts, of either the whole or half blood by consanguinity and by affinity. **SECTION 21.** [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 22. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 23. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 24. That if for any reason any section of this Act, or part thereof, shall be held unconstitutional or invalid, such holding shall not affect any other section or part of this Act, each and all sections hereof having been considered as passed separately, in whole and in part, independent of any single section or other section thereof.

SECTION 25. That in event the constitutionality or legality of this Act is assailed, the Commission created

by this Act is hereby authorized (sic) and empowered to employ counsel to defend the constitutionality of this Act, and the fees of such counsel shall be paid out of the General Fund of the County.

SECTION 26. [Deleted by Private Acts of 1998, Chapter 155.]

SECTION 27. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 26, 1951.

Amendments to Road Laws

Private Acts of 1955 Chapter 125

SECTION 1. That Chapter 55 of the Private Acts of 1951, the caption of which is quoted in the caption hereof, be amended in the following particulars:

(A) The County Judge of Rutherford County, Tennessee, shall have no right to vote as a member of the County Highway Commission under this amendment or the original Act here amended on any matters coming before said County Highway Commissioners, but shall only have the right to act and preside as Chairman and perform the other duties authorized by the original Act.

(B) The County Highway Superintendent shall have the duty, right and power to cast the deciding vote on all matters coming before the County Highway Commission when such County Highway Commission is equally divided.

As amended by: Private Acts of 1998, Chapter 155

SECTION 2. That this Act shall have no effect unless the same shall be submitted to the Quarterly County Court of Rutherford County, Tennessee and approved by a two-thirds vote of said Quarterly County Court.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 23, 1955.

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