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Private Acts of 1947 Chapter 380

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Private Acts of 1947 Chapter 380

SECTION 1. That in Counties of this State having a population of not less than 29,000 nor more than 29,100 according to the Federal Census of 1940, or any subsequent Federal Census, the public roads and bridges of said Counties shall be laid out, classified, constructed, and maintained in the way and manner provided by this Act.

SECTION 2. That such Counties shall have the following rights and powers: (1) to lay out, construct, classify, close, change, repair and maintain public roads, highways and bridges; (2) to do any part of such work not otherwise provided for in this Act, by contract, or by day labor, or in any other manner deemed proper; (3) to purchase machinery, equipment, tools and materials for such work; (4) to cooperate with and contract with the United States of America, the State of Tennessee, or any other State or Counties of this or another State, or the agencies or officials of such, as to National, State, County or other highways or roads or bridges, when such roads or highways enter or run along such Counties included in this Act or such bridges are within or near such rock quarries and other public road and highway purposes; (6) to levy and collect taxes for such road, highway or bridge purposes; (7) to have all other rights and powers, not inconsistent with this Act, which are provided by general law for all Counties of this State as to roads, highways and bridges, and (8) to have a highway commission and a road supervision, and to require bond of any employee of such highway department or contractor, premium or cost of such bond of any such employee may be paid by the County.

SECTION 3. This section was repealed by Private Acts of 1971, Chapter 70, which established the current Robertson County highway zones.

SECTION 4. That within ten days from each such election any such Highway Commissioner so elected shall, before assuming the duties of his office, take and subscribe to an oath to faithfully and impartially discharge the duties of his office and execute bond in the sum of Five Thousand (\$5,000) Dollars, the expense of which, or premium on which, if to be paid by any such County, such bond to be to account according to law for all fund and property which may come under his care and control.

SECTION 5. That within ten days after the qualification of said first Commissioners and biennially thereafter, the first selection to be made at the regular meeting of such Commission next following September 1, 1948, the Commission shall proceed to organize by selecting a Chairman and Vice-Chairman and shall elect a Secretary and fix his compensation. The Secretary shall not be a member of the Commission. C. F. Walker is designated as Chairman until the meeting next following September 1, 1948.

As amended by:

Private Acts of 1965, Chapter 271
Private Acts of 1969, Chapter 20
Private Acts of 1974, Chapter 201

The Chairman of said Commission shall be the executive officer thereof and shall attend to the disposition of matters needing attention when such Commission is not actually in session. In the absence of the Chairman or his inability to act, the Vice-Chairman shall attend to such duties. The Secretary shall keep a permanent record of all proceedings of the Commission and shall perform such other duties as may be assigned to him by the Commission and shall hold office at the pleasure of such Commission.

SECTION 6. That for their services as highway commissioners, they shall receive five hundred twenty-five dollars (\$525) per month, with the chairman to receive the same amount. All of such expenditures shall be defrayed from the highway funds of said county. This section does not increase the compensation of any commissioner during the term for which such commissioner was elected.

As amended by:

Private Acts of 1969, Chapter 20
Private Acts of 1987, Chapter 112
Private Acts of 2002, Chapter 96
Private Acts of 2008, Chapter 64
Private Acts of 2019, Chapter 13
Private Acts of 2023, Chapter 26

SECTION 7. That no person shall be eligible to be elected to or to hold the office of such Highway Commissioner of any such road district who is a member of such Quarterly County Court, or who is not a resident of such road district and a freeholder therein. Any if any Commissioner shall cease to be such resident of such road district or a freeholder thereof, he shall no longer be such Commissioner and such Quarterly County Court shall elect his successor.

SECTION 8. That a majority of said Commissioners shall constitute a quorum for the transaction of business. Such Highway Commission shall meet at least once a month. Such regular meeting date shall be fixed and no notice of such regular meeting need be given the members of the Commission or the Secretary. But notice shall be given such members and the Secretary of any called meeting of said

Commission. A meeting may be called by the Chairman of the Commission, or in his absence or inability to act, by the Vice-Chairman, or a meeting may be called by a majority of the members of the Commission. Three days' notice shall be sufficient time for the call and such notice may be by U. S. mail or otherwise. A meeting may be called on one day's notice personally served by someone on each member of the Commission. Such services may be by a private person who makes affidavit to the fact or by the Sheriff, a deputy or a constable who will certify to the fact as in case of process. Notice, however, may be waived, and attendance at a meeting is a waiver of notice of any such meeting or any irregularity in the call for the same. The Chairman will preside at all such meetings, and in his absence the other Chairman will preside. If both be absent the other members may elect a chairman for the meeting.

SECTION 9. That no member of such Highway Commission, or Road Supervisor, or any Superintendent or other employee of the Highway Department or any such County shall at any time be interested, directly or indirectly, financially or otherwise, in the acceptance or any contract with such Highway Department or any employee thereof, or in the doing or performance of any work or labor, in the sale of any material, or the purchase of any tools, machinery, equipment, bridge or appliance of any kind and character, for or on account of such Highway Department, or be interested in the construction, maintenance, or repairing of any of the roads, highways, or bridges of such County, other than in the regular performance of his duty and the collection of his per diem, salary or wages, as fixed herein or herein authorized.

SECTION 10. That said Highway Commission shall keep and maintain a public office, which said office shall be kept open on each business day within reasonable hours, and where the records, papers and documents connected with the administration of the roads, highways and bridges of such county shall be kept open for the free inspection of the public and anyone desiring to examine same. But nothing in this section shall be construed to prohibit said office from being kept in the office of the Chairman of said Commission, nor shall it be construed so as to make it mandatory on said Commission to keep anyone constantly in said office.

SECTION 11. That said Highway Commission is hereby given the following powers and the following duties are hereby required of it, coupled with the following restrictions, to-wit:

- (1) Have general charge of the laying out, construction, classification, closing, changing, repairing, and maintaining the public roads, highways and bridges of such Counties;
- (2) To provide the way and manner such work may be done, whether by contract, day labor or otherwise, as the Commission may determine;
- (3) To have control of all machinery, equipment, tools, property, real, personal and mixed, of the Highway Department, and all other items in any manner connected with the Highway Department of such Counties;
- (4) To set up from time to time schedules of wages and salaries to be paid, which shall be reasonable and not greater than wages being paid for similar services in the locality where services are performed, and which wages or salaries before being paid must have the approval of said Highway Commission. But this restriction shall not be construed to mean that there shall be bidding for such positions or advertisement as may be required by any law governing purchases, nor that the Road Supervisor herein provided for shall receive a salary any less than that herein specifically provided for.
- (5) To purchase or requisition all necessary machinery, equipment, tools, materials, and other items connected with or incident to the Highway Department of such Counties.
- (6) Said Commission shall keep or cause to be kept a record of all items purchased, the price paid, and when and from whom such purchase was made; and shall make or cause to be made as promptly as possible an inventory of all machinery, equipment, tools and property of each such County used in or connected with its Highway Department, showing the condition of such item and its property value, and when such item so purchased or on hand is disposed of the date of the disposition of such item, to whom, and at which price shall be shown, so that at all times there is a permanent record of each item of property of such Highway Department.
- (7) Such Commission shall keep, or cause to be kept, a record of all employees of such Highway Department, naming them, and the salary or wage each received and when such employment begins and when it ends.
- (8) Such Commission shall lay out and classify all public roads of the County, divide the same into sections, or divisions, as may be necessary for their proper and efficient construction and maintenance, and shall make, or have made, a map or maps of all such roads, highways, and bridges, which shall be of permanent form and kept on hand, and shall change such map or maps from time to time to bring them down to date.

(9) Such Commission may provide for rights of way, gravel and stone or for the erection of bridges and other necessary road purposes by purchase or gift of real estate, or by condemnation thereof, but title shall always be taken in the name of any such County. To that end each such County shall have the right of eminent domain under Code Sections 3109 and 3134, inclusive, and all other condemnation acts, and laws of the State of Tennessee as now exist or as hereafter amended or passed, applicable to the taking by Counties of private property for public improvements, which rights and powers may be exercised by such Counties through said Highway Commissioners, and also as otherwise may be provided by the County Court of such Counties or by law.

(10) Applications to open, change, or close a road shall be made by written petition, signed by the applicant, addressed to said Commission, specifying in particular the changes or actions asked.

The Commission shall within ten days from the time such application is received by it give lawful notice to the parties interested of the time and place said petition will be acted upon, at which time and place said Commissioners, or a majority of them, will attend and pass upon said petition, and may condemn such land as is required for the opening of a new road of route or to change the same or to close a road, or dismiss such petition, but if the petition is granted then assess the damage to the landowner. Any interested person considering himself aggrieved by the Action of such Commission may appeal to the Judge or Chairman of the County Court of said County, and to the Circuit Court from his action, and to an Appellate Court from the action of such Circuit Court. But this method of procedure as to condemnation is not exclusive but cumulative. Damages occasioned by taking property under the power of eminent domain shall constitute a charge against both the highway and the general funds of such County.

(11) Such Commission shall have the supervision of the work of workhouse prisoners of such Counties, under such rules and regulations as may properly be made by Workhouse Board.

(12) Such Commission shall make a detailed written report to the Quarterly County Court of each such County on the first Monday in January and July, each year, and said report shall be a complete statement of all work done and ordered done, and of all funds received from any source and expended, and unexpended part of budget allowance, and shall also include a complete inventory of all machinery, equipment, implements, tools and materials then on hand and the approximate value of same, and such other detail as may be requested by such Quarterly Court, and shall also make such other reports as may be requested by said Quarterly Court.

(13) In the absence of any action with regard thereto by the Quarterly Court, the Highway Commission may require bond of any employee or employees of such Highway Department in an amount to be determined by it and conditioned to properly account for all monies and property which may come into his hands and to faithfully perform the duties of his employment, the premium for any such bond to be paid as other expenses of such Highway Department.

(14) Such Commission may require such reports as it may determine proper from any employee under it.

The Chairman of the Highway Commission shall be the purchasing agent for the same and shall purchase all materials, supplies and other necessities for said Commission. Purchases in excess of \$300.00 shall be made upon competitive bidding by means of sealed bids after due notice.

SECTION 12. That all expenditures, including those incurred in maintaining any office, paying any per diem, salaries, or wages, in any manner growing out of or connected with such Highway Department shall be made from the fund established or designated by the Quarterly County for highway, bridge and other road purposes.

SECTION 13. That such Highway Commission and all employees and agents thereof shall in all respects conform to and observe all budgeting, accounting, auditing and other acts and laws pertaining to such Counties. And no expenditure shall be made or authorized in excess of any appropriated for any particular phase of such Highway Department. And it shall be the duty of such Commission to plan its work and expenditures so as to make the amount of such appropriated funds be sufficient for operations and purchases for the whole year, or as near as may be done.

SECTION 14. That nothing contained in this Act is intended to give any jurisdiction or authority to any such County, such Highway Commission, or any employees of such Commission, over or concerning any road, highway, bridge or other road appurtenance over which jurisdiction or control is by virtue of law vested in the U. S. Government, the State of Tennessee, or both, or other legal entity superior to any such County, or over any road, highway commission or committee which has been appointed for any such purpose of any enactment of the General Assembly of Tennessee, or County Quarterly Court resolution, but this Act does not apply to all other public roads, highways, bridges and public road appurtenances of such Counties. But said Commission shall cooperate with the Federal Government of the United States and

of the Highway Department of the State of Tennessee in securing and maintaining a uniform, coordinate and efficient system of highways in such Counties.

SECTION 15. That the Chairman of such Highway Commission shall be the agent of any such County in dealing with Tennessee State Highway Department and with the Federal Government, or any road agency or road committee or either or both. And if necessary or required, such Chairman of such Highway Commission shall be so declared by such Highway Commission and so certified by the County Court Clerk of any such County or Secretary of such Commission.

SECTION 16. That in Counties coming within the provisions of this Act, such Highway Commission shall employ a county road supervisor. To be eligible for such position, or employment, one shall have had two years' training in a recognized school of engineering, or its equivalent, or shall have had at least two years' experience in supervisory capacity in highway or railroad construction. The compensation or salary of such Road Supervisor shall be fixed by said Highway Commission with the limits of the budget adopted by the Quarterly County Court and paid to him monthly, but in no case to exceed the maximum compensation set in Section 8-2403, Tennessee Code Annotated, for the Clerks of the County and Probate Courts in the class applicable to any County to which this Act applies. Such road supervisor shall serve at the pleasure of such Highway Commission, from month to month, but such Commission may contract for his services for a period of not in excess of one year. All other employees of said Highway Department shall serve at the pleasure of the Commission.

As amended by: Private Acts of 1965, Chapter 271
Private Acts of 1967-68, Chapter 459

SECTION 17. That such Highway Commission shall supply such County Road Supervisor a means of conveyance and provide for the upkeep and maintenance of the same, for the performance of his duties. Said road supervisor shall make report in detail monthly to said Commission the expense of such upkeep and maintenance.

Such County Road Supervisor shall at all times be under the direction and control of such highway commission, and shall promptly do and perform all duties that are specifically imposed upon him by this Act, said Highway Commission or by law. Subject to the direction and control of said Commission, the following specific duties shall be performed by such County Road Supervisor:

(1) He shall aid the Commission in the performance of its duties, particularly in establishing a system of roads and highways for the county, including bridges, and in dividing the same into sections and divisions, and mapping the same, and in laying out, changing and closing roads and highways and building bridges.

As amended by: Private Acts of 1993, Chapter 7

COMPILER'S NOTE: Items 2 and 3 were deleted as amended by the Private Acts of 1993, Chapter 76.

(4) Employ, have charge of and direct the work of all superintendents, foremen, and other employees of such Highway Department and with the advice of said Highway Commission, to appoint or employ or discharge the same, as the case may be, but their compensation shall be according to the scale of prices or salaries and wages set up by the Highway Commission and approved by the Purchasing Agent of the county, the wage of any one employee shall not be more than that paid another employee for like services.

(5) Have charge and control of all the machinery, equipment, tools and all other property of any such County connected with or belonging to the Highway Department thereof, and see that the same are properly treated, protected and kept in good repair, and look after the inventorying of the same and see that each item thereof is handled and accounted for as herein provided and as is required of the Highway Commission.

(6) Neither shall such County Road Supervisor nor any superintendent, or foreman or employee do any work while so employed by the Highway Department of the County for any private person or corporation nor shall any of the machinery, equipment, tools or property of the County Highway Department be so used, for compensation, exchange or under any other pretext, and it shall be the duty of the County Road Supervisor to see that this provision of law is enforced.

(7) Each and every item of machinery, equipment, tools, material, and other kind of property for said Highway Department shall be purchased through the Chairman of the County Highway Commission not exceeding the appropriation therefor as determined by the Quarterly Court of such County, and as may be determined within such restrictions by such highway commission, but it shall be the duty of the county road supervisor to make proper and timely requisitions for all such items to the purchasing Agent of such County and as required by law.

(8) Such road supervisor shall have supervision of the work of workhouse prisoners and direct

where the same shall be done. And those having charge of such prisoners shall make them available for such purpose unless otherwise provided by the Quarterly Court. He shall have supervision of the work to be done by all persons liable for road duty and where and when the same shall be done. Such supervision and direction may be by him delegated to any superintendent, foreman, overseer or other employee of the Highway Department.

(9) All work done by road hands, or those subject to road duty, shall be done under the supervision of such road supervisor as may be directed by the Highway Commission.

SECTION 18. That it shall be the duty of the county highway commission herein provided to take steps looking toward the construction of the hard surfacing of all the principal roads under their jurisdiction in said County and to the end they may employ a competent engineer for the purpose of making preliminary surveys, estimates and plans of such system. In setting up such system, materials therefor shall be purchased out of the proceeds of the wheel tax not in effect in this county, but the costs of labor and rights of way shall be defrayed from other highway funds available to said Commission.

It shall be the duty of the highway commission on or before December 1 of each calendar year, to formulate and make public such hard-surfacing program designated by them to be put into effect for the ensuing calendar year. After such program shall have been adopted and made public, no change thereon shall be made except upon the approval of four members of said commission; provided, however, that in case for want of funds or other causes the complete program adopted for any year cannot be completed, then the commission shall place the remainder thereof upon its next succeeding year's program and shall proceed to its completion at once.

SECTION 19. That all male inhabitants of any such county, residing outside any incorporated town thereof, over 21 and under 50 years of age, except such persons as are permanently disabled from performing ordinary labor and are released by the Quarterly County Court of any such County, and present a certificate of the county court clerk, showing such release, shall work upon the road in his neighborhood or vicinity not less than five days, of nine hours each, each year, but any such road hand may be exempted from such service by furnishing an able-bodied substitute or paying \$1.00 per day for each day not worked on such road, to the trustee of such county on the receivable warrant of the county judge or chairman of the county court of any such county.

SECTION 20. That such highway commission shall have the right to determine when the road year for the working of such roads shall begin, when such work shall be done, and when and how such reports shall be made, but if its fails to do this then all such shall be governed by general law, and all general laws of the State of Tennessee in any manner relating to the public roads, highways, bridges, gravel beds and rock quarries not in conflict with this Act are made a part hereof and shall remain in full force and effect as to such Counties except as changed by this Act to make inapplicable by any other Acts especially applicable to such counties as this act is.

SECTION 21. That it shall be the duty of the Quarterly County Court to such county to levy a tax, not exceeding 20¢ on the hundred dollars worth of taxable property in said county for road, highway and bridge purposes at the same time each year that other taxes are levied. All funds thus derived from said levy shall be used in the construction and maintenance of roads, highways and bridges of the county, and other proper and necessary expenditures for the purposes provided for in this Act. But this shall not prevent the county from issuing bonds and providing for their payment and interest thereon. The taxes above provided shall be allowed by the trustee of any such county as other taxes are now collected.

SECTION 22. That all fines and forfeitures for failure to work the road and all commutations in lieu of road work and all monies received from the sale of any road or highway machinery, equipment, tools, or other items of road or highway property or material, gravel bars, and rock quarries, and all monies received from any source which should be credited to or received by the highway department of any such county and all funds received by the highway department of any such county all funds received from the State of Tennessee or the Federal Government for road purposes, shall promptly be paid over, upon the receivable warrant of the county or chairman of the county court of any such county, to the county trustee and by such trustee placed to the credit of the county road and bridge fund, unless it is required by law in any specific instance to be placed to the credit of some other fund.

SECTION 23. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, particularly Chapter 142 of the Private Acts of 1943 of the General Assembly of Tennessee.

SECTION 24. That if any part of this Act be declared void or unconstitutional that shall not have the effect of rendering ineffective the remaining portion of this Act.

SECTION 25. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 26, 1947.

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