



February 05, 2025

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.

Sincerely,

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Chapter IX - Highways and Roads

Road Law

Private Acts of 1959 Chapter 163

SECTION 1. That Chapter 470, of the Private Acts of 1951, the caption of which is set out in the caption hereof, be and the same is hereby repealed, as of the first day of September, 1960, but will remain in full force and effect until said date, and on said date any office created by said Act is hereby abolished.

SECTION 2. That in order to establish a system for the construction, repair, maintenance and operation of a road system in all counties of this state having a population of not less than 31,600 and not more than 31,700, according to the Federal Census of 1950, or any subsequent Federal Census in lieu of the system created by the Act repealed in the first section hereof, there is hereby created the office of Road Supervisor who shall be elected at the next general election in August, 1960, who shall hold his office for a term of four years or until his successor is elected and qualified, provided that no member of the County Court shall be eligible to the office of Road Supervisor. The said Road Supervisor shall take his oath of office on the first day of September, 1960, and shall take over and perform the duties of his office on the first day of September, 1960, and before he assumes the duties and obligations of his office, he shall be required to make an indemnity bond, to be paid out of said gas tax, in the amount of Ten Thousand Dollars (\$10,000.00), with some solvent bonding company authorized to do business in Tennessee, payable to the County that he will faithfully and honestly comply with the requirements of his office.

The said County Road Supervisor may be removed from office as other public officials are removed from office. In case of vacancy in the office of the Road Supervisor, and occurring while the Quarterly County Court is not in session, the same shall be filled by appointment made by the Judge or Chairman of the County Court, to hold until the next meeting of the Quarterly County Court when the vacancy will be filled by the Court until the next regular August election.

The Road Supervisor shall be a resident of the county, a freeholder, and must have had at least two years previous experience as road builder and known to be a well qualified man with ability to deal with the public and to handle efficiently and ably the workers under his supervision. The said Road Supervisor shall devote his entire time to the duties of his office which may be increased or diminished from time to time. In the event the county needs his services with other road construction or in securing rights-of-way 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 Five Hundred (\$500.00) Dollars per month, for his services, and in addition thereto he shall be furnished with and provided a county owned automobile and/or pickup truck to make his trips over the county roads and otherwise to perform travel in connection with his official duties, and the purchase price of any such vehicle or vehicles, together with the cost of necessary fuel, lubricants, repairs and maintenance incident to the operation thereof, as well as all salaries incident to the various road operations, shall be paid from said road fund. Provided, however, effective upon the expiration of the present term of said office, the Road Supervisor shall receive twelve thousand dollars (\$12,000.00) per annum payable in monthly installments for his services.

The Road Supervisor shall maintain an office and a garage for county road machinery and equipment at a point centrally located in the county, preferably at the county seat, and see that all truck and other machinery are left at such garage at the end of each work day, except such machinery and equipment that for reason of economy to the county is left at the site or sites of road operations where it is to be used next following such day.

As amended by:

Private Acts of 1961, Chapter 108

Private Acts of 1969, Chapter 78

Private Acts of 1970, Chapter 210

Private Acts of 1972, Chapter 320

SECTION 3. That the Road Supervisor shall have general supervision of all common and graded and macadamized roads in the county, other than the State and Federal Highways. He shall have control of the funds derived from taxation or otherwise for the construction and maintenance of all roads in the county under the limitations hereinafter provided for.

All purchases for the road department shall be made in accordance with the provisions of the County Purchasing Law of 1957, being Chapter 14 of Title 5 of Tennessee Code Annotated and the county's central purchasing system.

The Road Supervisor shall keep or cause to be kept a record of all his actions, preserve all papers,

accounts, petitions and reports, which may come into his hands and which shall become public records, subject to inspection to any one who may desire to see them. He shall, before giving orders for payment, carefully audit the accounts of overseers and other persons employed by him.

He shall keep a complete and full record of all claims which he orders paid and shall draw an order on the County Judge for same which shall state in detail for what purpose this order is to be paid, and it shall be the duty of the County Judge to issue warrant to the Trustee for payment which shall constitute a charge against the county road fund.

The Road Supervisor shall make or cause to be made a complete detailed report to each Quarterly County Court term, same to be made out in triplicate, one to be retained in the office of the Road Supervisor, one in the County Judge's office, and the other to be filed with the County Court Clerk for public view. At the first session each year of the Quarterly County Court, a complete inventory of all the county's road machinery, tools and all other property shall be shown in said report, showing in what repair same is at the beginning of each year as well as to show in said report the conditions of each district roads and bridges (sic). Also at the first session each year of the Quarterly County Court, the Road Supervisor shall present an overall or master plan of proposed work for the coming year, both as to new construction planned and for the maintenance and repair of all county roads in each of the districts of the county.

As amended by: Private Acts of 1973, Chapter 135

SECTION 4. That the Road Supervisor shall have full power to hire and to fire men employed to do road work. He shall fix their wages, which shall be in accordance with the prevailing wage scale for like work in the community where their work is performed, he shall have the authority and it shall be his duty to get the best qualified men to use with the operation of the county's machinery.

SECTION 5. That the County Judge shall have authority to appoint a bookkeeper, prescribe his, or her, duties and fix his, or her, compensation at Three Hundred Dollars (\$300.00) per month, and said bookkeeper shall serve at the pleasure of said Roane County Judge. Said bookkeeper is to keep all records of the County Highway Department and is to work in the office of the Purchasing Department. No member of the County Court shall be eligible for the office of bookkeeper for said County Highway Department. Before said bookkeeper assumes the duties and obligations of his, or her, office, he shall be required to make an indemnity bond in the amount of One Thousand Dollars (\$1,000.00), with good and sufficient security, approved by said Road Supervisor, payable to the county, that he will faithfully and honestly comply with the requirements of his office.

As amended by: Private Acts of 1969, Chapter 78

SECTION 6. That this Act shall be liberally construed and interpreted, and its provisions are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SECTION 7. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 8. That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. It shall be the duty of the Secretary of State to certify a true and perfect copy of this Act to the county board of election commissioners within twenty days after its passage. Within ten days after the sine die adjournment of this General Assembly, it shall be the duty of the county board of election commissioners to call an election for such county to be held not less than twenty nor more than forty days from the date of such call, for the purpose of accepting or rejecting the provisions of this Act.

Said board of election commissioners shall hold said election at each voting place where elections are ordinarily held during the general county elections, and will conduct said special election in all ways and manner as general county elections are conducted with the expenses thereof to be paid out of the general funds of said county. Each election machine or ballot used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. Underneath the title shall appear the following:

"For the adoption of the road law of 1959" and

"Against the adoption of the road law of 1959"

and opposite each phrase a box shall be provided in which the voter may mark or indicate his preference. The votes cast in such election shall be canvassed by the county board of election commissioners upon the first Monday occurring five or more days after the date of such election and the result shall be proclaimed by such board and certified to the Secretary of State. The qualifications of voters shall be that provided by law for participation in general elections shall apply to an election held hereunder.

SECTION 9. That this Act shall take effect for the purpose of holding the validating election, and for the

purpose of permitting the qualification of candidates for nomination and election to the office created herein from and after its passage, for all other purposes this Act shall take effect on the first day of September, 1960, the public welfare requiring it.

Passed: March 11, 1959.

Highways and Roads - Historical Notes

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

1. Acts of 1806, Chapter 31, named Joseph Hawkins Windle, Thomas Faris, and William Evans, as Commissioners to select the most eligible way for a public road to run from the waters of Poplar Creek in Roane County over the Cumberland Mountain between the head of Wolf River and Obed River as far as the commissioners might think proper towards Jackson County. The commissioners could let the opening of the road, and its repair, along the selected route. A schedule of tolls to be charged when the road was in operation was included. The commissioners would be compensated at the rate of \$2 per day for their services.
2. Acts of 1817, Chapter 148, authorized Thomas Brown of Roane County to form a company to be called the Kingston Bridge Company and as such the company would be incorporated. The company was given the right to build a bridge over the Clinch River on the lands belonging to Thomas Brown at such a point as he deemed convenient at or near Brown's Ferry in Roane County. The bridge could not be built in any way which would interfere with the navigation of the river. When the bridge was completed, tolls which did not exceed those specified in the act could be charged.
3. Acts of 1821, Chapter 6, required the county courts of all the counties to index and classify the roads in their respective counties into three classes, defined in the act, which were determined primarily by the width and type of surfacing material. The width ranged from stage roads, the widest, to a road wide enough to pass two horses and riders on their way to mill or market. Penalties were provided for those who obstructed roads or failed to comply with the terms of this Act. This Act was probably the first step leading to the present transportation network in the state which is one of the best in the nation.
4. Acts of 1823, Chapter 290, was the legislative authority for John Totlett, James Orms, George Gorden, and Jesse Lincoln, to cut out a turnpike road from the foot of Walden's Ridge in the Sequatchie Valley running a direct course across Walden's Ridge to White's Creek, near Gorden's iron works in Roane County.
5. Acts of 1824, Chapter 84, authorized Thomas Brown and John Tedder to cut out and open a turnpike road commencing at the courthouse in Morgan County and running the most direct and practical route to intersect the stage road at or near Dunlap's Stand in Roane county. John Hill, of Morgan County, and Joel Embry, of Roane County, were appointed commissioners to examine and inspect the road every four months and allow toll gates as they deemed right and proper.
6. Acts of 1824, Chapter 138, allowed Thomas Bottom of Roane County to change that part of the Emery Road where the same crosses the main branch of Poplar Creek, so that the road would cross the creek below the mills there owned by Bottom to leave and intersect the old road at the nearest point where a good road could be had.
7. Acts of 1826, Chapter 173, required John Brown and Robert Burke, proprietors of the Cumberland Turnpike Road, to bring the road up to and maintain it at a level of repair specified in the act for which they were permitted to charge certain tolls but could not exceed the amount of the tolls stipulated in the act, If the owners failed to keep the road in repair for a period of three months, this fact would be reported to the circuit court of Roane County which could assess fines against them for not doing their duty.
8. Acts of 1827, Chapter 104, suspended until the meeting of the next general assembly the annual tax of \$25 which had been placed on that section of the Cumberland Turnpike owned by John Brown and located in Roane County.
9. Acts of 1837-38, Chapter 174, named James Berry, Samuel Eskridge, William S. McEwen, Henry Leggett, William Clark, George Gillespie, John Brown, Elbridge G. Sevier, Thomas Brown, and Lewis Gordon, all of Roane County, and eight other citizens of Knox County, as commissioners to open books on stock subscriptions up to \$100,000 with which to build a turnpike road from Knoxville through Kingston in Roane County to join John Brown's turnpike road. The stock would be subscribed and sold under the standard rules in force in the state for that and for building

roads of this caliber.

10. Acts of 1837-38, Chapter 250, Section 6, incorporated all the stockholders in the Kingston-Jacksborough Turnpike Company with an authorized capital stock of \$150,000 in \$50 shares. Named as commissioners to serve under the normal rules and regulations were Robert McEwen, Henry H. Wiley, Thomas Brown, William Ellis, and John Roberts, all of Roane County, plus several others who were residents of other counties.
11. Acts of 1848, Chapter 184, was the enabling law for Caleb Ellis, of Roane County, to open a turnpike road beginning at the foot of the Cumberland Mountain, near Jesse Kimbrough's, or John Brown's old place in Roane County, thence running along the best route to intersect Scott's Road in Morgan County. The road, as described above, must be completed in three years, be no less than sixteen feet in width and free of all obstructions. The county courts of the two counties could appoint commissioners upon the application of Ellis who would inspect and report on the status of the said road.
12. Acts of 1879, Chapter 227, was the legal authority for Knox County and Roane County to build turnpikes or macadamized roads in the respective counties using convicts, or workhouse labor, meeting the specifications in the act, concerning road width and surfacing materials, and to build bridges whenever necessary. Whenever five miles of road were completed a toll gate could be erected and the tolls stipulated could be charged those traveling on the roads.
13. 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 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 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 SW 66 (1906)).
14. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, Item 13, above, in several minor particulars but principally in the sections providing for the methods to be used in the acquisition of property for rights-of-way, especially when the power of eminent domain was to be used.
15. Private Acts of 1907, Chapter 101, required any railroad company to restore to its former status any street over which they built their tracts but urging them to so construct their tracks that a minimum of public streets would be crossed. Whenever a street had to be replaced the railroad company must replace it with a street of comparable construction and value. The railroad company must avoid crossing streets, or replacing streets whenever possible. Upon the refusal, or the failure, of the railroad company to observe the requirements of this Act, the road commissioner may direct them in writing to correct a given situation or file suit in court to compel compliance herewith.
16. Private Acts of 1911, Chapter 518, was the legislative authority for the quarterly court of Roane County (identified by the use of the 1910 Federal Census figures) to levy and assess on the taxable property of the county, beginning in 1911, a tax which was not to exceed 50 cents per \$100 property valuation. These taxes would be cumulative and in addition to all other taxes then in force, which funds would be used to build, improve, and repair such public roads as the court might direct, and all other power and authority necessary and incidental to the accomplishment of these objectives were likewise conferred upon the court. Any surplus would also be spent on roads as the county court directed.
17. Private Acts of 1915, Chapter 652, allowed the county highway commissioners in the counties of Anderson, McMinn, and Roane to condemn land for rights of way in the name of the county to construct any pike, or high-way, provided, however, that the procedures to do so which were prescribed in this Act were strictly observed step by step according to the notice, hearing, trials,

and appeals.

18. Private Acts of 1919, Chapter 766, permitted the quarterly courts of Blount County, Loudon County, and Roane County, to levy and collect a special road tax not to exceed twenty cents per \$100 property valuation for the purpose of providing funds to grade, macadamize, build, and maintain such roads in those counties as will connect with each other. Hereafter, no one county would be responsible for the expenses of the work except on that portion of the roads which was located within that county. This tax was to be levied and collected as were all other taxes.
19. Private Acts of 1933, Chapter 392, authorized the quarterly court of Roane County to contract with the proper state authorities having supervision thereof for lifting the tolls imposed on any bridge, or bridges, in the county, and to pay the state an amount from the gasoline tax money not to exceed 25% of the same, or to pay an estimated percentage of the tolls which would have been normally expected to be paid but not to exceed 50 per cent. If an agreement is reached among the parties, the Roane County Quarterly Court could adopt a resolution to that effect and proceed to enter into binding contracts reflecting the said agreement.
20. Private Acts of 1933, Chapter 755, abolished the Dirt Road Commission in Roane County who were heretofore elected by the quarterly court and all the rights, powers, and duties of that commission were transferred to and conferred upon the existing Pike Commission which would in the future exercise all the jurisdiction over those roads which formerly came within the province of the Dirt Road Commission. Pike Commissioners would hereafter be elected for two years.
21. Private Acts of 1933, Chapter 756, made it mandatory in Roane County that all males, outside cities, over the age of 21 and under 45, unless disabled, work on the roads each year for two days, but any prospective road hand could be excused by furnishing some able bodied man to take his place or by paying \$1 a day as a commutation fee. The road tax collected must be spent as nearly as possible in the district from which it was collected.
22. Private Acts of 1937, Chapter 465, provided that in Roane County (identified by the 1930 Federal Census) the chairman of the county road commission would be paid the sum of \$450 per year, as an expense reimbursement and as compensation, in addition to any other compensation which might be paid to him under any other law. The above amount would be paid to him on a payroll warrant payable out of the gasoline tax fund, or out of any highway funds on hand, it being the intention of the General Assembly through this Act to provide the chairman of the commission with \$50 per month for his expenses and compensation.
23. Private Acts of 1937, Chapter 469, stated that, upon a favorable vote of a majority of the members of the quarterly court, the county judge had the authority to contract with the state commissioner of highways for the payment of tolls on bridge #14 at Kingston, incurred by persons carrying farm produce to market, or returning. The payment of the money would come from the state gasoline tax allocation to the county. The intent of the general assembly was to free this bridge from the payment of tolls by people who were engaged in transporting their farm products to market, or returning.
24. Private Acts of 1943, Chapter 313, amended Private Acts of 1933, Chapter 755, Item 20, above, by increasing the term of the pike commissioners from two years to four years.
25. Private Acts of 1945, Chapter 565, regulated the expenditure of road funds in Roane County. All funds were to be expended equally among the five road districts and the commissioner of each district would control their application. No warrant would be paid unless the same were signed by a commissioner of a pike, or road, district, and no commissioner could authorize the expenditure of more than one-fifth of the funds. Any expenditure over \$300 must first be advertised and bids taken according to the procedures specified in the act.
26. Private Acts of 1949, Chapter 514, recited in the introduction that a Roane County road grader, driven by Dick Manie, a county employee negligently and carelessly ran into cars belonging to Emerson Moore, and Mrs. Charles Owensby, which injured the cars and the persons of Mrs. Owensby, Mrs. Viola Pugh, and Mrs. Peal Loop, causing them to incur various hospital and medical bills. This Act allowed the quarterly court of Roane County to appropriate \$2,500 with which to compensate the above named for their injuries and their damaged vehicles. Payments were not to exceed \$2,500 which would be paid out of the general fund but was not to be construed as an admission of liability.
27. Private Acts of 1951, Chapter 470, created a road commission in Roane County which would have the charge and supervision of construction, maintenance, and repair of all public roads, highways, and bridges, consisting of five members, one each to be elected by the people in that district at the regular August election, 1952, and every four years thereafter. The commissioners had to be sworn into office and execute bonds for \$5,000. Reports were required from the commissioners to

be filed with the chairman of the county court who was obligated to keep such reports in a well-bound book. All warrants had to be countersigned by the chairman and recorded. Each commissioner would be paid \$160 per month as compensation for his services which would come from the general county fund. The present commissioners would remain in office until September 1, 1952 when their successors, elected in August, 1952, would take over their responsibilities. This Act was repealed by Private Acts of 1959, Chapter 163, the present road law.

28. Private Acts of 1953, Chapter 461, amended Private Acts of 1951, Chapter 470, then the road law for Roane County, by increasing the monthly compensation of the road commissioners from \$160 to \$200.
29. Private Acts of 1973, Chapter 35, was an act prohibiting litter on public roads. See the Section on "Offenses".

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