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Road Law

Dear Reader:

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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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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470, of the Private Acts of 1951, the caption of which is set out in the caption hereof, be and the same is hereby repealed, as of the first day of September, 1960, but will remain in full force and effect until said date, and on said date any office created by said Act is hereby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according to the Federal Census of 1950, or any subsequent Federal Census in lieu of the system created by the Act repealed in the first section hereof, there is hereby created the office of Road Supervisor who shall be elected at the next general election in August, 1960, who shall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.

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