



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IX - Highways and Roads

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Chapter IX - Highways and Roads

Road Duty

Private Acts of 1941 Chapter 369

SECTION 1. That in counties of this State having a population of not less than 14,250, nor more than 14,270, by the Federal Census of 1940, or any subsequent Federal Census, no person shall be compelled to perform manual labor upon the roads of said County or in lieu thereof to commute by payment thereof.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 11, 1941.

Road Law

Private Acts of 1965 Chapter 233

SECTION 1. That Chapter 526 of the Private Acts of 1945, the caption of which is recited in the caption hereof, and all Acts amendatory thereto, be and the same is hereby repealed as of the first day of September, 1966, but will remain in full force and effect until said date, and on said date any office created by such 1945 Act, or amendments thereof, is 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 13,200 and not more than 14,000 according to the Federal Census of 1960 or any subsequent Federal Census in lieu of the system created by the Act repealed in the first Section hereof, there is hereby created the office of Road Supervisor who shall be elected at the next general election in August, 1966, who shall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, 1966, and shall take over and perform the duties of his office on the first day of September, 1966, 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 an amount to be determined by the quarterly county court and to be approved by such court, 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 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 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 in connection 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 Ten Thousand Dollars (\$10,000.00) per year, payable in equal monthly installments for his services, and in addition thereto he shall be allowed a county owned pickup truck to make his trips over the county roads, said upkeep and gas used in this county owned truck shall be paid out of the county road fund, as well as all salaries incident to the various road operations, shall be paid from said road fund. Said road fund is created by the gas tax received from the State and should at any time this gas tax be withheld for any cause from the county, then all expenses of road building, including salaries, shall terminate and payments cease. The bookkeeper hereinafter named shall draw his, or her, pay from the road or gas fund the same as other payments are made. The Road Supervisor shall maintain an office or offices at the county garage or place provided by the county therefor, and shall see that all trucks and other machinery are left at such garage at the end of each work day, except for such machinery that for reasons of economy to the county is left at the site of road operations where it is to be used next following such day.

As amended by: Private Acts of 1974, Chapter 193

COMPILER'S NOTE: See T.C.A. 54-7-108 for the current bond amount.

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. It shall be the duty of the Road Supervisor to purchase all machines, tools, supplies, etc., under the rules of public advertising for sealed bids for each month's supplies upon estimates or requisitions. All bids to be opened on a fixed date in the office of the County Judge or Chairman in the presence of the County Judge or Chairman, the Clerk of the County Court and the Road Supervisor, and the contract for purchase awarded to the lowest and best bidder. An emergency fund of Five Hundred Dollars (\$500.00) is hereby set up each month and the same to be used by the Road Supervisor in the purchase of materials, machinery and other articles necessary for the carrying on of his duties as such Road Supervisor, and any of this money expended by him during the month shall be accounted for at the end of each month in full. Any of said fund not expended at the end of the month shall revert to the general road fund of the county. It shall be the duty of the Road Supervisor to take receipts showing the full amounts paid for such purchases from any company, firm, individual or from any source that said purchases shall be made and to file said receipts along with his reports to be made monthly, with the Clerk of the County Court, which shall become a part of the road records and which shall be kept as a public record. The Road Supervisor shall not incur any debt beyond the sum set apart for roads for each current year, and at the expiration of his term of office any and all debts so incurred shall become an obligation against himself and his bondsmen and shall be collected by the county as other debts, and when paid shall be returned to the county road fund. He 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 issue a 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 duplicate, one to be retained in the office of the Road Supervisor 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's roads and bridges.

As amended by: Private Acts of 1988, Chapter 168

SECTION 4. That said Road Supervisor shall have the authority and it shall become his duty to lay out all roads in the county and classify them into First-class, Second-class and Fourth-class roads. First-class roads shall not be less than 24 feet in width, Second-class not less than 18 feet wide, Third-class not less than 14 feet wide, and Fourth-class not less than 9 feet wide. Said Road Supervisor can make any changes in the county roads as the public needs may require by cutting down grades, ditching, cutting off rights-of-way, opening or closing by mutual consent with interested parties to adjacent properties by written agreement. None of the public road funds shall be spent on private roads, without first laying them off and designating them as public roads, to be included within the above classes to be kept open to the public. Any other method for opening public roads shall be within the provisions of the general law of condemnation procedure. It is further provided, that the Road Supervisor shall have control of the building, repairing and maintaining of all bridges and culverts within the county road system, and shall buy only first-class material for the use in the construction and repairing of said bridges.

SECTION 5. 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 for the operation of the county's machinery.

SECTION 6. That the Road Supervisor shall have authority to appoint a bookkeeper, prescribe his, or her, duties, and fix his, or her, compensation at Two Hundred Dollars (\$200.00) per month, and said bookkeeper shall serve at the pleasure of said Road Supervisor. Said bookkeeper is to keep all the records of the County Highway Department and is to work in the office of the Road Supervisor. No member of the County Court shall be eligible for the office of bookkeeper for said County Highway Department. Said compensation of said bookkeeper when fixed shall be paid from the county's gas tax road fund and chargeable thereto. Before said bookkeeper assumes the duties and obligations of his, or her, office, he shall be required to make 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.

SECTION 7. 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 8. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 9. 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. Within 15 days after the approval of this Act by the Governor, or after its otherwise effective date, it shall be the duty of the county board of election commissioners of the county to which this Act applies to call an election for the county to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the county board of election commissioners upon the first Monday occurring 5 or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder. The cost of said election shall be paid by the county to which this Act applies.

SECTION 10. 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, 1966, the public welfare requiring it.

Passed: March 19, 1965.

Highways and Roads - Historical Notes

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

1. Private Acts of 1826, Chapter 173, authorized John Brown and Robert Burke, as owners of the Cumberland Turnpike Road, to build and keep a gate on said road. The act authorized them to collect a road toll for each person using it. The owners had the duties of repairing the road and had the authority to change the direction of the road out of the counties of Fentress and Morgan.
2. Acts of 1843-44, Chapter 194, allowed the proprietor of Scott's Turnpike road to keep one gate in Fentress County.
3. Acts of 1845-46, Chapter 160, repealed Acts of 1843-44, Chapter 194, above, by making it unlawful for the proprietor to keep a gate upon Scott's Turnpike road.
4. Acts of 1849-50, Chapter 154, appointed William R. Campbell, David Hall, Sr. and Mitchell H. Frogge Commissioners of the Montgomery Turnpike Road.
5. Acts of 1901, Chapter 136, was a statewide road law for all counties in Tennessee under 70,000 in population. The County Court in each county would select a Road Commissioner at its January meeting for each road district. The road districts would be coextensive with the County Civil Districts. The act detailed the duties of the Road Commissioners and the road section overseers to be appointed by the Commissioners. Male residents of the County were subject to road work but could commute the duty by paying a fee. Prisoners of the County were also subject to road work. A tax levy was authorized not to exceed twenty cents per \$100 valuation.
6. Private Acts of 1913, Chapter 260, was the first road law for Fentress County enacted by private act. This act created a three member Board of Public Road Commissioners who were to have general supervision of the County's roads and bridges and also created the office of Superintendent of Public Roads who was to have personal, everyday supervision of the county road system. All of these officers were to be elected by the County Court. This was repealed by Private Acts of 1917, Chapter 193.
7. Private Acts of 1917, Chapter 291, was the first special road law for Fentress County. The County Court was authorized to select a Road Commissioner from each of the Civil Districts to serve two-year terms but those Commissioners then in office would continue until their terms expired. The Commissioners would be sworn and bonded, would lay off his district into road sections, classify the roads, appoint overseers and road hands to perform the work. A road tax was authorized from fifteen to thirty cents per \$100 valuation to be collected by the Trustee. All males between twenty-one and forty-five years of age would work not less than 5 nor more than 8 days to each man for road service at 9 hours per day.
8. Private Acts of 1919, Chapter 188, repealed Private Acts of 1917, Chapter 291, above. In addition, the act authorized the Quarterly County Court of Fentress County to select a Road Commissioner for each Civil District to serve a one-year term but those Commissioners then in

office would continue until their terms expired. The Commissioners were required to be sworn and bonded before entering their duties. Each Commissioner had the duty to appoint overseers in the districts, who would serve a one-year term. A road tax was authorized from fifteen to forty cents per \$100 valuation to be collected by the Trustee. All males between twenty-one and forty-five years of age, could work between 3 to 8 days at 9 hours per day.

9. Private Acts of 1929, Chapter 173, returned to a form of county-wide supervision of the road system. This act created a County Highway Commission, to consist of the County Judge, the County Trustee and the County Court Clerk, with the County Judge acting as Chairman of the Commission. All authority that had been vested in County or District Road Commissioners or Bridge Commissioners was given to the County Highway Commission. The County Highway Commission was authorized by this act to employ a Superintendent of Roads whose duties would be those previously performed by the District Road Supervisors.
10. Private Acts of 1937, Chapter 212, amended Private Acts of 1929, Chapter 173, above, by allowing the people to elect and fix the term of service, the qualification, bond and oath of members of the Commission.
11. Private Acts of 1943, Chapter 287, repealed Private Acts of 1929, Chapter 173, as amended by Private Acts of 1937, Chapter 212, both above.
12. Private Acts of 1943, Chapter 317, created the office of County Road Supervisor for Fentress County and placed supervision and control of the county roads in this office. The County Road Supervisor was to be elected by the Quarterly County Court for a one year term and no member of the County Court could serve as Road Supervisor. The County Road Supervisor had the authority to oversee construction, operation, maintenance and repair of the roads and were vested with the power of eminent domain. The County Road Supervisor was required to execute a bond. Compensation for the Supervisor was \$100 per month.
13. Private Acts of 1945, Chapter 526, created a County Highway Commission, composed of five members, one to be elected from each of the five Civil Districts by the voters of that District. The Commissioners were to select a Superintendent of Highways who would have day-to-day supervision of the county road system, under their general control. This act was amended by Private Acts of 1949, Chapter 291, to limit the per diem and expenses paid the members of the commission to not more than \$50 in any one calendar month, and to raise the salary of the superintendent to \$2400 annually. This 1949 amendatory act was itself amended by Private Acts of 1957, Chapter 110, to increase the salary of the Superintendent of Highways in Fentress County to \$3600 annually.
14. Private Acts of 1945, Chapter 527, repealed Private Acts of 1943, Chapter 317, above.
15. Private Acts of 1965, Chapter 233, repealed Private Acts of 1945, Chapter 526, above.

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