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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 1957 Chapter 104

SECTION 1. That Chapter No. 295 of the Private Acts of 1941, the caption of which is set out in the caption hereof, be and the same is hereby repealed, as of the first day of September 1958, but will remain in full force and effect until said date, and on said date any office created by said Act is hereby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 5,050 and not more than 5,100 according to the Federal Census of 1950 or any subsequent Federal Census in lieu of the system created by the Act repealed in the first section hereof, there is hereby created the office of Road Supervisor who shall be elected at the next general election in August, 1958, who shall hold his office for a term of two 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, 1958, and shall take over and perform the duties of his office on the first day of September, 1958, 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 (\$10,000.00) Dollars 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 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 this 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 Three Hundred Fifty (\$350.00) Dollars per month 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 book-keeper 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 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. The Road Supervisor shall receive as payment for his expenses the sum of One Hundred Fifty Dollars (\$150.00) per month.

As amended by: Private Acts of 1969, Chapter 126

COMPILER'S NOTE: Tennessee Code Annotated Section 8-24-102 establishes the minimum compensation for the Road Supervisor. Furthermore, Tennessee Code Annotated Section 54-7-108 sets the bond of the Road Supervisor at \$100,000.

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 Fifteen Hundred (\$1500.00) Dollars 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 for 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 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 Commissioner of Roads 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 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 roads and bridges.

As amended by: Private Acts of 1973, Chapter 57

SECTION 4. That said Road Supervisor shall have the authority and it shall become his duty to lay out all roads in the county any (sic) classify them into First-class, Second-class, Third-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 with 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 Three Hundred (\$300.00) Dollars 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 an indemnity bond in the amount of One Thousand (\$1,000.00) Dollars 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 1971, Chapter 9

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, 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 all 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 (sic) to an election held hereunder.

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, 1958, the public welfare requiring it.

Passed: February 21, 1957.

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