



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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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 1977 Chapter 18

SECTION 1. There is hereby established the office of Superintendent of Highways for Perry County which office shall be filled by election of the people every four (4) years at the August general election. The term of office shall begin on September 1 following the August general election.

SECTION 2. The Superintendent of Highways shall have full control and charge of all county maintained roads in Perry County and shall have the qualifications, term of office, duties, powers and authority and minimum compensation as provided by "The County Uniform Road Law" as codified in Tennessee Code Annotated, 54-1001 through 54-1017, and as the same may be amended and shall be subject to the same limitations, conditions, prohibitions and punishments as provided in the aforesaid County Uniform Road Law.

SECTION 3. The compensation or salary of said Superintendent may be increased by action of the Quarterly Court. All employees of said Department shall be subject to any system of merit service, and/or job description, and pay classification, as may be adopted by the Superintendent of Highways of Perry County.

SECTION 4. The Superintendent of Highways shall order the payment by the County Trustee by written order of all money collected by taxation or otherwise belonging to the road or bridge fund which has become obligated for the construction, improvement, working or repairing or (sic) roads and bridges. Said orders shall be drawn and signed by the Highway Superintendent. Such orders shall plainly specify (1) the amount to be paid, (2) to whom, (3) for what purpose the expenditure is made; and such orders when so signed and drawn shall be the authority to the trustee to make payments out of the road or bridge fund. The Superintendent of Highways shall make, swear to and file with the county court a quarterly statement which lists all checks issued by him, to whom issued and for what purpose. The county judge shall preserve all of said statement as public records of the county.

SECTION 5. A vacancy in the office of Superintendent of Highways shall be filled by the county court until the next regular August election at which time a successor shall be elected by the people to fulfill the unexpired term or a new term as the case may be.

SECTION 6. Chapter 119, Private Acts of 1957; Chapter 257, Private Acts 1959; Chapter 314, Private Acts 1961; Chapter 41, Private Acts of 1965; Chapter 171, Private Acts of 1965; Chapter 163, Private Acts of 1967; Chapter 363, Private Acts of 1968; Chapter 244, Private Acts of 1970; Chapter 270, Private Acts of 1972; and Chapter 261, Private Acts of 1974 are repealed.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Perry County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

SECTION 8. For the purpose of approving this Act as provided in Section 7 it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on being approved as provided in Section 7.

Passed: March 30, 1977.

Highways and Roads - Historical Notes

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

1. Acts of 1821, Chapter 6, required the Quarterly Courts of every county to index and classify their public roads into three classes, determined primarily by the width of the road. Higher degrees of maintenance were required on the more widely traveled roads. Third class roads had to be wide enough to pass horses and riders on their way to mill or market. Penalties were established, perhaps for the first time, for obstructing roads and for failing to comply with this Act.
2. Acts of 1825, Chapter 179, was the authority for William Adkinson, of Perryville, to build a bridge across the Beech River near Perryville in Perry County. As long as the bridge was kept in good repair, Adkinson may charge tolls to cross it at the rates specified in this Act but before doing so,

- he must obtain a certificate from three Justices of the Peace that the bridge is in good and safe condition.
3. Acts of 1837-38, Chapter 40, declared the Buffalo River to be navigable from its mouth to Beardstown in Perry County, and it would therefore be unlawful for any person to build, or erect, any dam across the River or put any sort of obstruction in it which would prevent or impede navigation. This Act was repealed by Acts of 1839-40, Chapter 14..
 4. Acts of 1837-38, Chapter 115, authorized and permitted the County Court of Perry County to expend a portion of the internal improvement funds allotted to the county to purchase a horse boat for the use of the public ferry at Perryville. The proceeds derived from the operations of the ferry would go into the common school funds.
 5. Acts of 1839-40, Chapter 14, repealed Acts of 1837-38, Chapter 40, which declared the Buffalo River to be navigable along certain portions of its length.
 6. Acts of 1901, Chapter 136, was a statewide Road Law which applied to all counties under 70,000 in population. The County Court must elect one Road Commissioner from each Road District, which were coextensive with the Civil Districts, who would be in charge of the roads in his district for two years. He must be sworn and give receipt for all money and tools given to his care, could be punished for willful negligence or misconduct, and who would be paid \$1.00 for each day worked up to ten days per year. The County Court would assign road hands to the district and fix the number of days they would work on the roads each year which would be not less than five nor more than eight for all males, outside of cities, between the ages of 21 and 45. One could pay a stipulated commutation fee if he chose not to work, but must do one or the other. The County Courts were given the power to levy a special road tax of two cents per \$100 for each day the court required the hands to work on the roads. Prisoners could be worked under certain specific conditions. Some specifications for building roads were incorporated into this Act which also required that the roads be indexed and classified into one of four classes depending on width and surfacing materials. Road work could be contracted if the conditions of doing so were strictly adhered to. Procedures were established to dispose of petitions filed with the Commission to open, close, or change a road. Commissioners would be paid at the same rate as Justices of the Peace not to exceed 12 days per year. A special ad valorem tax of not more than twenty cents per \$100.00 property valuation could also be levied for road purposes. This Act was part of the lawsuit in the case of Carroll v. Griffith, 117 Tennessee 500, 97 S.W. 66 (1906).
 7. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but principally involved the procedures for handling and disposing of those petitions to open, close, and change roads, especially where the exercise of the power of eminent domain was necessary.
 8. Private Acts of 1921, Chapter 363, created a Board of County Road Supervisors, in Perry County, to be appointed by the County Judge and confirmed by the County Court. There would be one from each district for a term of two years beginning in January, 1922, who would be paid from \$200 to \$300 per year, payable quarterly. The Commissioners would be sworn and bonded for \$1,500. They must have a general knowledge of roads and their maintenance, and would be the custodians of, and responsible for, all road machinery, tools, supplies, and equipment in their districts. Road Districts would be coextensive with Civil Districts. The Road Supervisor would appoint the Overseers, or Foremen, in the District, who could serve for two years, if they desired, or longer, who would have direct supervision over sections of road assigned to them, and the road hands who would be males from 21 to 50 years of age, and who would work six, 8 hour days, and could contract for the use of wagons and teams if they owned such. Up to \$1.50 per day was allowed for them to secure a driver for teams, or, they could be paid that amount if they drove themselves. The Supervisors would plan and schedule the road work, could purchase supplies for the district, but could not contract beyond the amount of funds available. The County Court had the power to levy a special road tax of from 30 to 50 cents per \$100 property valuation, and could levy special privilege taxes according to the schedule in the Act. Penalties were set up for violations of this law and procedures written into the Act for handling and disposing of petitions to open, close, or change roads.
 9. Private Acts of 1925, Chapter 772, amended Private Acts of 1921, Chapter 363, by deleting Section 2 and incorporating a new Section which provided for a County Road Supervisor who would have charge of the roads, culverts, and bridges in the county, who must meet the qualifications fixed in this amendment, who must be sworn and bonded, and who would be paid an annual salary of \$1,000 to \$1,200. The office of District Road Commissioner was abolished. Section 13 lowered the amount on which purchases could be made without bid procedures being observed from \$250 to \$50. The remainder of this Act made the changes necessary when changing from the four District Road Supervisors to the one County Road Supervisor.

10. Private Acts of 1927, Chapter 728, amended Private Acts of 1921, Chapter 363, to the effect that owners of teams living on State highways shall work on the roads nearest to them which leads to the State roads. The commutation fees for both road hands and teams were reduced and the permissible tax rate was lowered from the minimum of 30 cents to 15 cents per \$100. The Act provided that the privilege tax on autos and trucks, as established in the above amended Act, shall be paid at the same time the State licenses are bought, or the State license shall not be sold to the buyer, and by adding a provision that a Justice of the Peace would henceforth be eligible to serve as County Road Supervisor.
11. Private Acts of 1929, Chapter 641, contained only a general repealing clause but was undoubtedly the next Road Law for Perry County. This Act established a five member Board of Highway Commissioners, one from each of four Road Districts, and the Chairman would be elected from the county at large. Their terms would be for two years beginning September 1, 1929, and until that time, the Act named Fred Howell, Clint A. Daniel, Robert Tucker, Jesse Sweeney, as members of the Board, and W. H. Bates, as Chairman, all of whom must be sworn and bonded, and their duties are specified in a general way. The Board could employ a County Highway Superintendent to be in immediate charge of the Road Department, who would be between 21 and 60 years of age, be paid \$5.00 per day, who would also be sworn and bonded, and discharge the duties specified in the Act. W. H. Bates would serve as County Highway Superintendent until his term expired. The powers of the Commission are written out in eleven paragraphs in Section 9. The Board would serve as Purchasing Agent, submitting all items over \$500 to bids. The Board would meet once each month and specially, when called. Each of the Civil Districts constituted a Road District. The Commission would appoint Road Overseers to serve at \$2.50, or less, per day, who would be in charge of sections of road as assigned to them. All males between the ages of 21 and 50 must work six days on the road or commute at 60 cents per day. Owners of horses and wagons may be required to furnish both but could be paid up to \$2.00 per day for their use. Purchases and contract could not be made beyond the amount of available funds. A special road tax could be levied up to 20 cents per \$100 property valuation. Each Commissioner was authorized to act as the accredited representative of the County.
12. Private Acts of 1935, Chapter 527, amended Private Acts of 1929, Chapter 641, by providing for the election of the Highway Superintendent to two year terms; in Section 3, by providing that the Quarterly Court would fill the vacancies, should any occur, on the Board of Highway Commissioners instead of the remaining members of the Board doing so; in Section 13, by adding a provision against nepotism from the County Highway Commissioner's families.
13. Private Acts of 1949, Chapter 927, also amended Private Acts of 1929, Chapter 641, by changing the compensation of members of the Board of Highway Commissioners set up in Section 12 from \$5.00 per meeting, regular and called, to \$25 per month; in Section 6, by striking \$5.00 per day and inserting \$8.00 per day as salary of the Road Supervisor; in Section 17, by increasing the maximum allowable pay for Road Overseers, and assistants, from \$2.50 for each day served to \$6.00 per day provided each day was of ten hours duration.
14. Private Acts of 1957, Chapter 119, was the former road law for Perry County. It was repealed by Private Acts of 1977, Chapter 18.
15. Private Acts of 1959, Chapter 257, amended Private Acts of 1957, Chapter 119, in Section One by deleting the last sentence of the first paragraph which required a person to be out of the office of Road Commissioner for two years after serving three consecutive terms; in Section 3 by raising the hourly wage scale for skilled and unskilled labor from 75 cents to \$1.00 per hour to 75 cents to \$1.25 per hour; and by removing from Section 3 a requirement that the District Road Commissioner shall keep records of receipts and disbursements in itemized form and file monthly reports of the same with the Commission.
16. Private Acts of 1961, Chapter 314, would have amended Private Acts of 1957, Chapter 119 in Section 2, by giving the County Highway Supervisor, in addition to his salary, a monthly expense account of no less than \$50 per month, and no more than \$100 per month, which would have been paid to him by the County Judge at the same time as his salary. This Act was rejected by the Quarterly Court of Perry County and consequently never took effect under the provisions of the Home Rule Amendment to the State Constitution.
17. Private Acts of 1965, Chapter 41, also was an amendment to Private Acts of 1957, Chapter 119, which increased the daily pay rate of the County Road Supervisor to \$12 per day for each day worked, and set his pay at \$1.50 per hour instead of the amount then being paid to skilled workmen. This Act was also rejected by the Quarterly Court which rendered it null and void under the Home Rule Amendment.

18. Private Acts of 1965, Chapter 171, amended Section 3 of the Road Law by increasing the hourly rate for unskilled labor from 75 cents to 95 cents and for skilled labor from \$1.25 to \$1.50.
19. Private Acts of 1967, Chapter 163, amended Section 2 of the Road Law by increasing the daily pay range of the Road Supervisor from \$7.00 to \$10 to a \$12 minimum and \$15 maximum.
20. Private Acts of 1967, Chapter 363, amended Section 3 of the Road Law by raising the hourly pay scale for skilled workers from \$1.50 per hour to \$1.75 per hour but left the rate for unskilled labor at 95 cents per hour.
21. Private Acts of 1970, Chapter 244, amended Section 3 by again increasing the hourly wage rates for skilled and unskilled labor which was 95 cents to \$1.75 per hour to 95 cents to \$2.00 per hour; and by adding a new Section Five as it appears in the Act.
22. Private Acts of 1972, Chapter 270, increased the daily pay range for the Road Supervisor from \$12 to \$15 per day to \$15 to \$20 per day; and the hourly rates for laborers which were fixed from 95 cents to \$2.00 per hour were changed to \$1.60 to \$2.50 per hour.
23. Private Acts of 1974, Chapter 261, increased the daily pay range for the Road Supervisor to \$20 a day minimum and \$24 a day maximum and the hourly pay scale for laborers which was then from \$1.60 to \$2.50 was changed to \$1.75 to \$3.00 per hour.

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