



May 19, 2024

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

Gas Tax Division

Private Acts of 1947 Chapter 489

SECTION 1. That out of the Two Cent Gasoline Tax Fund now received by Grundy County from the State of Tennessee that one-twelfth of the said Fund paid to the Trustee of the said County for the year 1947 shall be paid by the said Trustee to the Governing Bodies of the Towns of Tracy City, Palmer, and Altamont, on the following basis of apportionment, to-wit: Tracy City, Seventy-Five (75%) percent of the said one-twelfth; Palmer, Fifteen (15%) percent of the said one-twelfth; and Altamont, Ten (10%) percent of the said one-twelfth.

SECTION 2. That for the year 1947 and each year thereafter the Trustee of the County will take as a basis of arriving at the one-twelfth of the said Gasoline Tax Fund going to the said Municipalities the sum received from the State by the said County for the preceding year and shall set up on the books of the Trustee's Office one-twelfth of the said sum for the year 1947 and for each year thereafter, and shall pay the same as herein provided, to the said Governing Bodies of the Municipalities of Tracy City, Palmer, and Altamont.

SECTION 3. That the Governing Bodies of the said Municipalities shall each year lay out and designate the streets, roads and bridges within the said Municipalities where said fund shall be expended and the Governing Bodies of the said Municipalities will cause to be made a record of all funds received under the provisions of this Act and the same shall be opened to inspection by any party interested.

SECTION 4. That the Trustee of Grundy County will make the division of this Fund as herein provided and shall pay the same to the Municipalities on or before the 1st day of June of each year, and the first payment under the provisions of this Act shall be made on or before the 1st day of June, 1947.

SECTION 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1947.

Road Law

Private Acts of 1939 Chapter 435

SECTION 1. That in all counties in this State having a population of more than 9,715 and less than 9,725 according to the Federal Census of 1930, or any subsequent Federal Census, there is created the office of Superintendent of Roads, and the qualifications of the person to fill this office shall be that he is a citizen of the county in which he is to serve, and shall be above the age of twenty-five years.

SECTION 2. That the Superintendent of Roads in all such counties shall, before entering upon the duties of such office, take and subscribe to an oath that he will support the Constitution of the United States and the Constitution of the State of Tennessee, and that he will faithfully, impartially, diligently and to the best of his ability and skill, perform all duties required of him as such Superintendent of Roads, and account for all monies and property coming into his hands as such Superintendent, and he shall also execute and file in the office of the County Court Clerk a good and sufficient bond in the penalty of Ten Thousand Dollars, which shall be approved by the County Judge or Chairman, payable to the State of Tennessee for the use and benefit of such county, conditioned upon his faithful performance of his duties as Superintendent of Roads as prescribed by the provisions of this Act, and the faithful accounting for all monies and property belonging to the county which may come into his hands as such official.

SECTION 3. The salary of the Superintendent of Roads shall be in the same amount as provided for the Clerk of the County Court of Grundy County in Chapter 24 of Title 8 of Tennessee Code Annotated.

As amended by:

Private Acts of 1949, Chapter 170

Private Acts of 1949, Chapter 750

Private Acts of 1959, Chapter 2

Private Acts of 1970, Chapter 194

Private Acts of 1970, Chapter 195

SECTION 4. That the Superintendent of Roads shall have general, complete and exclusive control over the laying out, construction and maintenance of all public roads in his county (except such roads and bridges as are or may be under the supervision and control of the Department of Highways and Public Works of the State) and shall have the right and authority to employ persons to do work in laying out,

constructing and repairing all public roads in his county, fix the wages to be paid such employees, which shall not be above the average wage scale prevailing in such counties for similar services, and shall have authority to purchase all necessary supplies, materials and equipment for carrying on the work on the public roads, provided, no equipment the cost of which is more than Five Hundred Dollars, shall be purchased by such Superintendent of Roads without the approval of a majority of the Justices of the County in Quarterly Court assembled.

SECTION 5. That the Superintendent of Roads shall, once each month, issue written orders to the County Judge or Chairman for the payment of all salaries and wages including his own salary and the salary of his Clerk, which orders shall contain a brief statement of the time for which payment is made, on what account and the amount, and the County Judge or Chairman shall issue warrants against the road funds of the County for the payment of the same, provided there are funds in the hands of the Trustee of the county to pay the same, and shall preserve said orders in his office.

SECTION 6. That when it becomes necessary so to do, in order to efficiently carry out the work on the public roads, as provided for in this Act, the Superintendent of Roads may institute condemnation proceedings for the purpose of condemning land for road purposes, chert beds, rock quarries, gravel beds and/or any other road building material necessary for the construction and maintenance of the public roads in such counties. The damages assessed against the county in all such cases shall be paid by the County Judge or Chairman out of the road funds of the county, upon a certificate from the Superintendent of Roads.

SECTION 7. That the Superintendent of Roads shall have supervision, charge of and exclusive control over all machinery and equipment owned by the county and/or used in the construction and maintenance of all public roads in such counties, as well as all tools, supplies and equipment belonging to such counties, and he shall make a complete inventory of the same and file a copy thereof in the office of the County Court Clerk within thirty days after taking office.

SECTION 8. There shall be elected by the qualified voters of such counties at the next regular August election 1966, and at each succeeding quadrennial election thereafter a suitable person as Superintendent of Roads, who shall take office on the first day of September following his election and who shall hold office for four years and thereafter until his successor in office is elected and qualified.

As amended by: Private Acts of 1965, Chapter 166

SECTION 9. That in the event of a vacancy in the office of Superintendent of Roads, the Quarterly County Court shall, at its next regular session or at a special session called for that purpose, elect a Superintendent of Roads to serve in compliance with the provisions of this Act until his successor shall have been elected and qualified as herein provided.

SECTION 10. That such Superintendent of Roads, either with or without the consent of a majority of the Justices of the County, shall not enter into any obligation for machinery, equipment or supplies beyond the ability of the county to pay for the same during the incumbency of the Superintendent of Roads making such purchases.

SECTION 11. That in making purchases for supplies and equipment, competitive bidding shall be allowed among the proposed sellers, except in emergency purchases where the purchase shall not exceed twenty-five dollars.

SECTION 12. That the Superintendent of Roads shall have the authority to contract with any State or Federal Agency by which the road funds of the county may be supplemented or augmented to that additional employees may be employed on road work and/or bridge construction or repairs, beyond the ability of the county alone to employ provided that such contracts shall not incur any liability to the county above the revenue of that county for road purposes.

SECTION 13. That the method of opening, closing or changing the location of any public road in such counties as provided for in Sections 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, and 2741 of the Code of Tennessee, shall not be changed or abridged by this Act, but the same are to be left in force and effect and applicable to all counties coming under the provisions of this Act.

SECTION 14. That the Superintendent of Roads shall submit to each Quarterly Session of the County Court a full and complete report of his activities as such Superintendent of Roads, showing in each report the amount of road funds on hand at the beginning of the quarter together with the amount expended for labor, supplies, materials, and equipment, and the amount expended on each account, together with a list of articles purchased, the number of laborers employed, the number of new miles constructed or the fractions thereof, and where located, during the quarter for which said report is made.

SECTION 15. That in the event any Section of this Act is declared invalid, the remaining Sections shall remain in full force and effect, as it is declared to be the Legislative intent to enact each Section separately.

SECTION 16. That this Act take effect from and after August Election 1940, the public welfare requiring it.

Passed: March 1, 1939.

COMPILER'S NOTE: The Tennessee County Highway Law, codified in Title 54, Chapter 7 of Tennessee Code Annotated, has superseded or expanded portions of this act.

Highways and Roads - Historical Notes

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

1. Acts of 1901, Chapter 136, was a Road law enacted to apply to all counties in the State under 70,000 in population. The County Court of the respective Counties would select a Road Commissioner from each Road District which would be co-extensive with the Civil Districts who would serve a two year term, be a citizen and freeholder of the district and experienced in road work and who would be in charge of all the roads, bridges, and overseers in the District. He would be sworn and bonded and discharge the duties stipulated in the Act. The County Court will assign the road hands to the Sections to be worked and set the number of days for them from five to eight, and set the price to be allowed one for the use of a team and wagon. The County Courts were allowed to levy a road tax of two cents per \$100 of evaluation for each day of labor assessed for road hands, two-thirds of which may be worked out. All males outside of incorporated cities between the ages of 21 and 45 are subject to labor on the roads. The Commissioners would name the road overseers in their districts. Prisoners could be worked on roads under certain conditions. Roads would be classified and indexed and meet some of the specifications set up in the act. The County Court was authorized to contract for some of the road maintenance, if desired. Procedures were specified which must be followed in the exercise of eminent domain and in the handling and disposition of petitions to open, close, or change roads. See *Carroll v. Griffith*, 117 Tenn. 500, 97 S.W. 66 (1906) for a case on this Act.
2. Acts of 1905, Chapter 478, amended Chapter 136, Acts of 1901, in several minor particulars but primarily in the procedures to be followed in the reception of the hearing of, and the disposition of petitions to open, close, or change roads since the execution of such requests nearly always involved the exercise of eminent domain and the infliction of damages on other parties.
3. Private Acts of 1921, Chapter 349, stated that the Road Districts in Grundy County were hereby made and declared to be co-extensive with the Civil Districts of the County as they existed at this time. If the boundaries of Civil Districts are changed, or the county should be redistricted, the same will have no effect on this law and the Road Districts will continue to be co-extensive with the Civil Districts.
4. Private Acts of 1923, Chapter 392, declared that the same number of days of road work shall be levied against the owners of wagons and teams as are levied against road hands, and the owners of the wagons and teams are required to work that number. The owners of teams must pay \$3.50 per day for commutation fees and road hands \$1.75 per day for each day of work missed. If one is not subject to duty but desires to drive ones own team, he shall be paid \$1.50 per day for a double team, and \$1.00 per day for a single team. The amount paid to the authorities for commutation shall be credited to the Road District from whence it came. Road overseers shall warn each team owner of the days to work according to law, and the overseer shall be paid \$1.50 for each day he works at this job. All violators of this Act were subject to fines from \$10 to \$50.
5. Private Acts of 1925, Chapter 662, amended Chapter 136, Public Acts of 1901, which is Item One, above, as it was amended, in Section 3, by adding after the word "State" a provision which granted the authority to the Road Commissioners to open any road to public use which led to any rock quarry, gravel bed, or other road surfacing material.
6. Private Acts of 1927, Chapter 614, contained a general repealing clause but no specific references. The Act provided that the Quarterly Court of Grundy County should levy against the owner of all teams and work stock the same number of days labor on the roads as were levied against other road hands, except that the owner of two or more teams was required to work only two teams. This Act would not apply to mine mules, Jucks, Jennets, stallions, brood mares, and saddle horses. The owner of a team could commute by paying \$3.50 per day, the amount to be credited to the District where paid. Overseers would supervise this work and issue warnings to the owners notifying them of the time and place to report. Failure to comply could result in fines ranging from \$10 to \$50. General road laws of the State would apply to all instances not covered

- by this Act. This law was repealed by the one following.
7. Private Acts of 1929, Chapter 135, expressly and entirely repealed Chapter 614, Private Acts of 1927, above.
 8. Private Acts of 1929, Chapter 278, was the next comprehensive Road Law for Grundy County. This Act designated all highways in the County as secondary or district roads, defining each class. A three member Highway Commission was created of which the County Judge would be chairman, and the Quarterly Court would appoint the other two members, all of whom would be sworn and bonded. Afterwards the Commissioners would be elected by the people, and a chairman would be selected by the members, thus elected from their own number who would be the County's agent in highway matters. The Commission would classify the roads into the categories mentioned and would supplant the Workhouse Commission, assuming all their responsibilities towards working the prisoners on the roads. The Commissioners would be paid as the Quarterly Court might direct, including repayment of their actual expenses. The Commission would manage and control all public roads and bridges, equipment and supplies, which they could purchase under the regulations prescribed, all amounts over \$250 being bought under the bid process. They would hold regular monthly meetings, exercise the right of eminent domain observing strictly and at all times the requirements of the law and would divide and disburse road funds as the best interests of the county demanded but could not exceed the tax levy appropriation in any circumstance. The Commission was allowed to employ an engineer and was required to formulate a system for county road repair. Reports would be made at intervals to the Court which had the authority to change their plans if the Court desired. Procedures were prescribed in the Act which must be followed in considering petitions to open, close, or change roads. All conflicts with this law were repealed.
 9. Private Acts of 1929, Chapter 279, recited that, in order to raise funds to construct, maintain, and repair roads in Grundy County, identified by the use of the 1920 Federal Census figures, the Quarterly County Court at its first session after the passage of this Act, shall levy a tax of not less than \$2.50 and not more than \$5.00 upon every male citizen between the ages of 21 and 50 who have not been exempted under the law from road duty. The Tax Assessor will place the names of all those who are subject to the tax on the tax rolls and the Trustee will collect the same. A property tax of 15 cents per \$100 property valuation was also levied which the Trustee would likewise collect.
 10. Private Acts of 1929, Chapter 889, was an act which created a County Highway Commission for counties between 9,193 and 10,000 in population, according to the 1920 census. These figures would include Grundy County but it is obvious the Act was not intended to apply to Grundy County, although some works on private acts differed. In any event, this Act was repealed by Chapter 698, Private Acts of 1937, a fact which goes unnoticed by those who say the Act applied to Grundy County.
 11. Private Acts of 1931, Chapter 590, amended Chapter 278, Private Acts of 1929, Item 8, above, in Section 3, by changing some of the verbiage and inserting a provision that the County Court would elect the three Highway Commissioners thereafter for one, two, and three year terms, and after that, for three year terms so that one would be up every year.
 12. Private Acts of 1933, Chapter 455, amended Chapter 278, Private Acts of 1929, in Section 2, by increasing the bond of the Road Commissioners from \$5,000 to \$10,000, and by naming Alan M. Shook, R. M. Crick, and Robert Crouch as Highway Commissioners to serve until September 1, 1934, when their successors, who would have been elected in the August, 1934 elections, would take over the office.
 13. Private Acts of 1933, Chapter 713, specifically repealed Chapter 590, Private Acts of 1931, which amended Chapter 278, Private Acts of 1929, the Road Law of Grundy County, and which gave the County Court the authority to appoint the Highway Commissioners to staggered three year terms, instead of their being elected by popular vote.
 14. Public Acts of 1976, Chapter 767, made it unlawful for the State, or any political subdivision thereof including counties and cities, to own or operate any plant, or facility, for the manufacture or production of hot mix asphalt, and to sell, barter, trade, loan, or give away, the product of any such plant or facility. This prohibition did not apply to any county, or city, already operating such a plant, but they must comply with all state rules, regulations, and standards governing the same. Six counties exempted themselves from the provisions of this Act, one of which was Grundy County.

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