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Chapter IX - Highways and Roads

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Sincerely,

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Chapter IX - Highways and Roads

Road Law

Private Acts of 1947 Chapter 159

SECTION 1. That there is hereby created a County Road Superintendent in Counties of this State having a population of not less than 31,125 nor more than 31,140 by the 1940 Federal Census, or any subsequent Federal Census, that the said County Road Superintendent shall be elected by the qualified voters of said County, the first election under this Act is to be held at the regular August election 1948, and said term shall commence on the first day of September, 1948, and shall be elected for a term of two years and shall serve until his successor is duly elected and qualified. In the event there is a vacancy in said office, the Quarterly County Court shall have authority to appoint the successor, who shall serve until the next regular election, at which time the vacancy shall be filled by the qualified voters of said County.

As amended by: Private Acts of 1949, Chapter 714

SEC. 2. That the compensation for said County Road Superintendent shall be Sixty Five Hundred Dollars (\$6,500.00) per annum, payable monthly out of the road funds of said County, by a warrant drawn upon the County Trustee, payable out of said funds and signed by said County Road Superintendent. Said County Road Superintendent shall have the exclusive control over the maintenance, management, and supervision of county rock quarries in said County, but shall receive no added compensation therefor, it being the intent of this Chapter that the compensation fixed herein shall be the total compensation for such County Road Superintendent.

As amended by: Private Acts of 1951, Chapter 632

Private Acts of 1953, Chapter 588

Private Acts of 1961, Chapter 357

Private Acts of 1963, Chapter 141

SEC. 3. That the County Road Superintendent provided for under this Act shall be a person of not less than 25 years of age; shall have at least two years engineering work in an accredited school, or four years of practical experience in road building and/or road maintenance.

SEC. 4. That the said County Road Superintendent shall have full and complete control and supervision over all of the roads and bridges of said County which are not a part of the State Highway System. Said County Road Superintendent shall have the exclusive control over the maintenance, management, and supervision of the Road Department in said County, with complete power to employ and discharge employees as he may see fit. He shall also have power to employ such personnel as may be deemed necessary by him to properly carry out his functions and duties as County Road Superintendent and the salaries and expenses shall be paid out of the General Road Fund of said County upon a warrant signed by the County Road Superintendent.

SEC. 5. That it shall be the duty of the County Road Superintendent to keep an accurate and complete record of all receipts and disbursements made by him, and he shall keep separate accounts and records of all purchases made for the building, repairing and maintenance of said roads and bridges as well as an account and record of all machinery and equipment which he purchases. Said Road Superintendent shall make a detailed report to the Quarterly County Court of said County, setting forth the financial status, including receipts and disbursements made by him out of the County Road Fund. This report is to be made quarterly at the regular meeting to the Quarterly County Court.

SEC. 6. That in the event of the cessation of work on the roads of said County for any reason, said County Road Superintendent shall have the right to immediately suspend payment of the salaries of any employees whom he might have working under him, and said salaries shall remain suspended until the road work in said County is resumed.

SEC. 7. That all funds received by the County Trustee, including gas tax and all State road funds now and hereafter levied for the use and benefit of the roads and highways of said County, shall be kept in a separate fund to be known as "The General Road Fund" of said County and the same shall be expended upon such roads and bridges as the County Road Superintendent may designate.

SEC. 8. That any person obtaining gasoline belonging to said County by fraudulent representation, or who uses for private purposes any equipment or machinery belonging to said County shall be guilty of misdemeanor and punished accordingly. That such person, if he be an employee of said County, shall be immediately discharged, and it shall be the duty of the County Road Superintendent to carry out the provisions of this Act.

SEC. 9. That the County Road Superintendent herein created may allocate not more than 15% of the road funds to be expended on the rural district roads of the County not heretofore designated as gas tax roads.

SEC. 10. That the County Road Superintendent hereunder elected, before entering upon the discharge of his duties, shall take and subscribe to an oath that he will perform the duties of his office faithfully and impartially and without prejudice against or in favor of any section of said County or individual, and shall execute to the State of Tennessee a good and solvent bond in the amount of Seventy-five Hundred (\$7,500.00) Dollars, payable to the State of Tennessee for the benefit of that particular County in which he is elected, and that he will faithfully and impartially execute and perform all the duties imposed upon him without fear, favor or partiality and that he will honestly and faithfully expend and account for all moneys coming into his hands, and honestly and faithfully discharge all duties required of him by law.

SEC. 11. That said County Road Superintendent shall have the right and power to purchase such equipment as he deems may be necessary to be used in the building and maintenance of the roads and bridges of said County, and said equipment shall be paid for out of any road funds available to said County, provided that all purchases of equipment of any character, as well as oil, and gas and other supplies, shall contemplate the expenditure of more than One Hundred (\$100.00) Dollars, the same shall be purchases upon competitive bids and in such quantities as will give said County the benefit of the best possible prices.

SEC. 12. That this Act take effect from and after September 1, 1948, except that portion of the Act providing for the election to be held and the same shall become effective August 1, 1948, the public welfare requiring it.

Passed: February 3, 1947.

Highways and Roads - Historical Notes

Highways and Roads

The following is a listing of acts which once had some effect upon the county road system in Campbell 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 1829-30, Chapter 136, authorized Allen M'Donald to open a turnpike road from Pleasant Chitwood's and the Kentucky line in Campbell County, crossing New River at John Reed's, up Brimstone Creek and across the mountain, and thence down Emery River to Montgomery in Morgan County. The road was to be 20 feet wide, clear of stumps, and marshes were to be bridged. The work was to be completed by July 1, 1831, at which time a schedule of tolls to be charged, as set out in the act, would go into effect.
2. Private Acts of 1831, Chapter 20, allowed the county court of Campbell County to pay \$23.86 to William McCoy, which was money expended by him on behalf of the government in the prosecution of three lawsuits against overseers of the public roads, provided, however, that in the event said money has already been refunded to McCoy, then this act ratifies and confirms such actions.
3. Private Acts of 1832, Chapter 77, directed the county court of Campbell County to appropriate and pay to William McCoy the sum of \$23.86 which represented the money expended by him in court costs incurred in the defense of three lawsuits brought against three road hands who were assigned to him when McCoy was an overseer of roads in Campbell County.
4. Acts of 1843-44, Chapter 83, Section 4, gives free passage to all citizens of Campbell County at all times on the road from Montgomery in Morgan County running in the direction of the salt works and to the Kentucky line, for which Hiram Marcom and Daniel Chitwood of Campbell County, and Jesse Triplett of Morgan County had been appointed commissioners.
5. Private Acts of 1843-44, Chapter 116, Section 7, permitted the commissioners who had been appointed for the improvement of Powell's River to expend the remainder of the appropriated money in the best interests of Claiborne and Campbell counties, so as to improve the road leading from Knoxville, by way of Clinton and Jacksboro, to Cumberland Gap, and also to erect a bridge across Coves Creek in Campbell County. Other commissioners, not to exceed three in number, may be appointed at a compensation of no more than \$1.00 per day to supervise the work in each county. Contracts were to be let according to the law and the money shall be spent in proportion to the length of the Powell River in each county.
6. Private Acts of 1845-46, Chapter 152, Section 6, appointed as commissioners to receive stock

subscriptions up to \$150,000, certain people in Knox and Anderson counties, and John Carey, Jordan Smith, Thomas Weir, Robert Morrow, John Phillips, and William D. Crawford, all of Campbell County, which money would be used to build a turnpike road from Campbell's Station to Cumberland Gap, to be called the Campbell Station and Powell's Valley Turnpike Road, all the conditions and specifications for the issue of said stock being incorporated in the act.

7. Private Acts of 1847-48, Chapter 186, incorporated James Archer, William Perkins, Labon Sharp, and William Walker, all of Campbell County, plus three from Anderson County, and such others as they may associate with them, to open and operate a turnpike from the Kentucky line in Campbell County near the lot running through the Big Creek Gap to the road running through Powell's Valley to the Cumberland Gap, and further to Lay's Roads. Toll gates will be permitted on the said road and tolls charges according to a schedule in the Act.
8. Private Acts of 1867-68, Chapter 101, Section 13, incorporated James M. Bilin, Jonathan Linsey, Reuben Rogers, Henry Myers, Eli Brown, John Meadows, George Heatherly, O. T. Cliburn, and James J. Maris, as the "Jacksboro, Powell's Valley, and Cumberland Gap Turnpike Company," which would run from the Knoxville and Kentucky Railroad near Jacksboro in Campbell County, to Cumberland Gap, same to have all the powers and privileges incidental to other corporations.
9. Public Acts of 1868-69, Chapter 11, provided for a state grant of aid to the corporation formed above, of \$70,000 provided they were organized as their charter of incorporation directed and have at least that amount in subscribed stock. William Scruggs, Frederick Detavener, William C. Hall, and Henry Sharp were added to the list of incorporators.
10. Public Acts of 1901, Chapter 136, was a statewide road law applicable to all counties under 70,000 in population. A road commissioner would be elected from each road district which were made co-extensive with the civil districts. The duties of the commissioners were specified and their compensation set at \$1.00 per day, not to exceed ten days in one year. The county court would assign road hands to work and specify the number of days between five and eight for which each male between 21 and 45 years of age were required to work. A road tax of two cents per \$100 property valuation would be levied each year. The commissioners would appoint road overseers in his district, who would also get \$1.00 per day, limited to \$6.00 a year. Roads would be classified and indexed, prisoners could be worked under certain conditions, and specifications for roads were all included in the law. Petitions to open, close, or change a road must follow procedures outlined in the act, and contracts could be awarded to perform road work if certain conditions were observed. Methods were prescribed for the purchase and use of tools and machinery on the roads. An early test for this law came in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
11. Acts of 1905, Chapter 478, amended the 1901 act, in several minor particulars but primarily in the methods of disposition for the petitions to open, close, or change a road, concerning public hearings and condemnation procedures, if they became necessary.
12. Acts of 1907, Chapter 515, applied to both Scott and Campbell counties and provided for the appointment of three road commissioners who were not justices of the peace, who were experienced in road building, who came from different civil districts of the county, and who were given general supervision over the roads and bridges in the county. The county court could designate one, or more, roads as county highways and they would be treated as turnpikes. Specifications were established concerning the width, paving, ditching, and grading of the roads which would be done by road hands, or under a contract arrived at in accordance with certain bid procedures and award measures set out. After county highways are fixed, the work could proceed to the next most important road, but no contract could be awarded which exceeded the funds available. A special road tax from ten to twenty-five cents, and an ad valorem tax to two cents, per \$100 valuation of property could be levied to produce the road funds. The commission would dispose of all applications to open, close, or change roads and would classify the roads into four classes according to width and surfacing material. All males outside cities between 21 and 45 years of age were required to work on the roads and pay \$1.00 per day for each one defaulted.
13. Private Acts of 1911, Chapter 420, also applied to Campbell and Scott counties. The act has a general repealer which should dispose of conflicts between it and the previous 1907 Act. The act creates a three member board of road commissioners, presided over by the county judge, or chairman. There would be a superintendent of roads, and a secretary to the board, both to be chosen by the county court. Sam Davis, William Baird, and Joseph Gaylor were named as commissioners to serve until the August, 1912, elections would determine their successors, who would serve two year terms. The road superintendent, who would work full time, would be paid \$750 a year, and the secretary would receive \$300. If the county judge were not paid a salary, he would get \$300 a year. The superintendent would examine and inspect all the county roads

and report to the county court. He could employ an engineer to assist him whose duties were prescribed, if one was retained, and he could also hire road hands at \$1.25 per day, or less. The county court could levy a road tax from 10 to 25 cents, while males, outside cities, between the ages of 21 and 50 were required to work three days on the roads, or pay three dollars. A \$5.00 vehicle tax was levied on all types with some few exemptions and failure to acquire one could lead to fines. Methods for handling petitions to open, close, and change the roads, and to work prisoners in the roads under certain arrangements with the sheriff were incorporated into the act.

14. Private Acts of 1917, Chapter 767, stated that all persons confined in the jails of Campbell County, subject to work either before or after conviction shall be put upon the public roads in and around rock crushers or quarries, to prepare paving materials for the roads. If a sufficient number of convicts are available to form a chain gang, the sheriff was authorized to turn them over to the road supervisors to labor upon the roads under a suitable person as a guard. This act was repealed by Private Acts of 1925, Chapter 263.
15. Private Acts of 1917, Chapter 784, created the position of supervisor of roads for the county to be elected by the quarterly court to two year terms beginning in August, 1918. He would be paid no less than \$900 nor more than \$1,200 a year, would devote full time to his duties, and could be removed by action of the county court. He would appoint overseers in each road district same as civil districts to supervise work in that area. He would be paid \$1.00 per day, up to 75 days per year, for each one spent on the job. All males, 21 to 45, were required to work on the roads unless physically disabled, or have paid the commutation fee, no less than six nor more than ten days as determined by the court. Supervisor would have charges of all roads and bridges, machinery, tools, supplies, and perform all other necessary administrative work. Roads would be classified, graded, divided into sections and an overseer would be placed on each section. A road tax of 10 to 25 cents would be levied on good roads and 10 to 25 cents on common roads. The remainder of the act is almost identical with the provisions of other former laws on bids, contracts, damages, condemnation, petitions to open, close, or change a road.
16. Private Acts of 1919, Chapter 692, seems to be the next road law for Campbell County providing that the county court elect at its April term each year a county road commission composed of one citizen, not a justice of the peace, from each civil district. The present superintendent of roads would serve until his term was out. The chairman, the secretary, and three members would constitute a quorum. They must take an oath, not be interested in any business of the county and would be paid \$250 a year. Each member would have charge of the roads, funds, tools, and hands in his district, and no one shall incur debts beyond the amount of funds on hand. These provisions do not apply to the work being done under bond funds and legislation. Males, age 21 to 50, would work four days, or pay \$6.00. A special road tax from 15 to 25 cents per \$100.00 for paved roads were authorized. Road overseers were required to work four days free and then would be paid \$2.00 per day, but no more than \$6.00 per year after that.
17. Private Acts of 1923, Chapter 371, stated that all persons in Campbell County using the 1920 Federal Census figures, who were confined in jail, imprisoned for punishment, or for failure to pay fine or costs, or sentenced to the workhouse instead of the penitentiary to work out a sentence, shall be turned over to the road superintendent by the sheriff, at any and all times when needed, and they shall work at repairing and improving the public roads. Guards may be employed at \$3.00 a day when necessary to work and control the prisoners who would be credited with fifty cents for each ten hour day worked.
18. Private Acts of 1923, Chapter 449, allowed the road commission of Campbell County to close certain streets or portions of them, in Jacksboro, namely North, Liberty, Valley and East Street.
19. Private Acts of 1925, Chapter 193, specifically repealed Private Acts of 1923, Chapter 449, Item 22, above, in its entirety.
20. Private Acts of 1925, Chapter 263, repealed Private Acts of 1917, Chapter 767, Item 18, above, expressly and entirely.
21. Private Acts of 1927, Chapter 115, amended Private Acts of 1919, Chapter 692, the road law of the Campbell County by repealing Section 1. The new section created a road commission of five members serving two year terms. George Comer, Dowe Hiken, Fred Vinsent, Jesse H. Baird, and William Sowders, were named to serve until their successors, elected in November, 1928, would assume office, one from each civil district. No justice of the peace could be a member. Starting on January 1, 1929, this commission would be in charge of opening, closing, changing, grading, working, macadamizing, and maintaining roads. A chairman and secretary would be elected and all members would be paid \$360 a year, payable monthly. No commissioner was allowed to have a personal interest in any of the businesses of the county. The high age limit for working on

- roads was lowered from 50 to 45, and all commutation money would be spent in the district where it was collected. All funds collected from public sources would be divided equally. This act was repealed by Private Acts of 1943, Chapter 42.
22. Private Acts of 1933, Chapter 340, amended Private Acts of 1927, Chapter 115, above, by reducing the compensation of the members of the county road commission from \$360 to \$180 annually. This act was repealed by Private Acts of 1935, Chapter 622.
 23. Private Acts of 1935, Chapter 90, created the office of superintendent of roads who would be elected to the quarterly county court for a four year term, the first to occur at the April term, 1935, whose salary would be \$1,800 a year, payable monthly out of the road funds. He would supervise and control all gas tax funds received from the state but was not to interfere with the authority of the county road commission to expend funds in the road account. He may employ a bookkeeper at \$75 a month, and road hands as may be needed. This act was repealed by Private Acts of 1939, Chapter 148, below.
 24. Private Acts of 1935, Chapter 622, expressly repealed Private Acts of 1933, Chapter 340, which amended Private Acts of 1927, Chapter 115, thus restoring the annual wage of commissioners to \$360 a year.
 25. Private Acts of 1939, Chapter 148, expressly repealed Private Acts of 1935, Chapter 90, which created the office of road superintendent.
 26. Private Acts of 1939, Chapter 149, created a three member county highway commission whose members would be paid \$1,800, the secretary, \$900, and the vice-chairman, \$1,800 a year out of regular county funds. J. F. Baird, Fred Lynch, and Roy Sharp were appointed to serve until others could be elected, Sharp as acting secretary. This commission would supervise and control all funds from the gas tax and perform all duties heretofore done by the road superintendent. The commissioners would devote full time to their duties, employ road hands as needed, and a master mechanic at \$100.00 per month. This act was repealed by Private Acts of 1943, Chapter 384.
 27. Private Acts of 1943, Chapter 42, specifically repealed Private Acts of 1927, Chapter 115, which was the current road law for Campbell County.
 28. Private Acts of 1943, Chapter 43, expressly repeals Private Acts of 1919, Chapter 692, Item 20, above, in its entirety.
 29. Private Acts of 1943, Chapter 383, created a three member county highway and road commission to be elected by popular vote and to be paid \$250 per year. Three road districts were created which were composed of whole civil districts, one to be elected from each district. Don Claiborne was named for district one, Luther Richardson for district 2, and James H. Cantrell for district three, to serve until their successors were elected. Charles Waldon and Frank Baird were appointed as road superintendents at \$1,800 a year, and Taylor Oaks was appointed as clerk to the commission. These would have control of the roads through August 31, 1944, and would purchase all supplies and equipment. Upon proper resolution of the county court, they would become the board of workhouse commissioners. This act was repealed by Private Acts of 1947, Chapter 158.
 30. Private Acts of 1943, Chapter 384, expressly repealed Private Acts of 1939, Chapter 149, which concerned the highway commission, in its entirety. This act was effective immediately.
 31. Private Acts of 1947, Chapter 158, expressly repeals Private Acts of 1943, Chapter 383, in its entirety which was the then existing road law for Campbell County, effective September 1, 1948.
 32. Private Acts of 1949, Chapter 714, amended Private Acts of 1947, Chapter 159, by changing the term of the county road superintendent from four years to two years and provided that the law not become effective until September 1, 1952. This act was repealed by Private Acts of 1951, Chapter 632.
 33. Private Acts of 1951, Chapter 632, repealed Private Acts of 1949, Chapter 714, above, and amended Private Acts of 1947, Chapter 159, by increasing the salary of the county road superintendent from \$2,400 to \$3,000.
 34. Private Acts of 1959, Chapter 211, amended Private Acts of 1947, Chapter 159, by increasing the compensation of the county road superintendent from \$3,000 to \$5,000 annually, but this act was rejected by the quarterly county court of Campbell County and never became a law.
 35. Private Acts of 1961, Chapter 357, amended Private Acts of 1947, Chapter 159, as amended, in Section 2 by adding a paragraph which reimbursed the county road superintendent for the use of his personal vehicle in the discharge of his duties at the rate of ten cents per mile, not to exceed \$100 per month. He would file a sworn statement on the number of miles driven on county

business at the end of the month and the trustee would pay him that amount. This was repealed by Private Acts of 1963, Chapter 141.

36. Private Acts of 1969, Chapter 179, amended Private Acts of 1947, Chapter 159, Section 2, by raising the compensation of the county road superintendent from \$6,500 to \$10,000 but this act was also rejected by the quarterly county court and did not become effective.

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