



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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Highways and Roads - Historical Notes

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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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Highways and Roads - Historical Notes

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

1. Acts of 1909, Chapter 271, was a general road law for DeKalb County. It provided that the Quarterly County Court would elect for a two year term a Road Commissioner from each Civil District (road district) of the county, to have supervision over the roads in his District. Road Overseers were to be appointed by each Road Commissioner to supervise road duty to which all male residents of the county between the ages of twenty-one and fifty-five were subject. A County Road Commissioner, appointed by the County Court, was to have general supervision of the District Commissioners and Overseers. Procedures for opening and closing roads were enumerated.
2. Acts of 1911, Chapter 116, was also a general road law for DeKalb County, with provisions similar to those in the 1909 Act.
3. Private Acts of 1919, Chapter 492, placed control of the roads in a Road Commission of three members, who were to be appointed by the Quarterly County Court biennially. Public bridges remained under the control of the County Court. The Commission would appoint District Commissioners who would appoint Road Overseers. This Act was repealed by Private Acts of 1921, Chapter 364, Page 1111.
4. Private Acts of 1921, Chapter 364, provided for the election by the Quarterly County Court of a three member Central Road Commission. They would have general supervision over the changing, opening and closing of public roads, and control the expenditures of the central fund. The Central Road Commission would elect a Road Commissioner for each Civil District who would in turn select a Road Overseer. This Act was amended by Private Acts of 1923, Chapter 550, to provide provisions for persons failing to report for road duty and to authorize the Central Road Commission to expend central road funds for making bridge repairs.
5. Private Acts of 1921, Chapter 711, required every person over 21 years old owning a wagon and team to work on the district roads, as they were designated to do so by their District's Justice of the Peace.
6. Private Acts of 1921, Chapter 883, set the toll rates which could be charged automobiles, motorcycles, trucks and trailers by persons or corporations operating a turnpike in DeKalb County.
7. Private Acts of 1927, Chapter 458, created a Central Road Commission for DeKalb County of five members, to have supervision of the construction and maintenance of all county roads and of the funds to be expended for these roads. The County Court Clerk would be an ex-officio member and serve as Secretary.
8. Private Acts of 1927, Chapter 613, created a Bridge Committee of seven members to have control over the location and construction of all county bridges in DeKalb County.
9. Private Acts of 1931, Chapter 207, created a Department of County Roads for DeKalb County. The control and management of the Department would be vested in a five member County Road Commission and a County Road Supervisor. Commission members would be elected by the County Court and the Road Supervisor would be elected by the Commission.
10. Private Acts of 1931, Chapter 558, created a Department of County Roads, headed by a County Road Commission of five members, who would appoint a County Road Supervisor. The County was divided into five zones and the voters would elect one member from each zone for a two year term. A constitutional challenge to this Act was rejected by the Tennessee Supreme Court in Loring v. McGinness, 44 SW^{2d} 314 (1931), and the Act was repealed by Private Acts of 1933, Chapter 11.
11. Private Acts of 1933, Chapter 45, established a County Highway Department and created a Central Highway Commission of three members elected by the voters, one member from each of the three zones into which the county was divided. The office of District Supervisor was established in each civil district who would be elected for a two year term by the voters of the district. This Act was repealed by Private Acts of 1937, Chapter 179.
12. Private Acts of 1937, Chapter 222, created a three member County Road Commission who would serve a two year term. It divided the county into three road districts, provided for the election of Road Commissioners from each District, gave the Commission power to employ a County Road Supervisor and Assistant Supervisor, as well as foremen and employers. It had the power of

- condemnation and could appoint as many road foremen as may be necessary. This Act was repealed by Private Acts of 1939, Chapter 174.
13. Private Acts of 1939, Chapter 194, divided the county into five road districts, with a member of the County Road Commission elected from each District, such Commission to have complete control over the road system of the county. They were empowered to employ a County Road Supervisor to supervise the construction of roads and the other employees of the county highway department. This Act was amended by Private Acts of 1939, Chapter 484; Private Acts of 1943, Chapter 353; Private Acts of 1943, Chapter 316; and repealed by Private Acts of 1945, Chapter 516.
 14. There were three attempted amendments to the current road law, Private Acts of 1945, Chapter 511, which were rejected or not acted upon by the Quarterly County Court. All of these dealt with the salary of the County Road Supervisor. These acts are Private Acts of 1955, Chapter 246, Private Acts of 1965, Chapter 136, and Private Acts of 1970, Chapter 200.

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