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## Chapter IX - Highways and Roads

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## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1943 Chapter 154

**SECTION 1.** That the County Highway Commission of Union County created by this Act is hereinafter referred to as "the Commission," and the members of the County Highway Commission of Union County are hereinafter referred to as the "Commissioners." The person holding the office of County Road Superintendent of Union County, which office is created by this Act, is hereinafter referred to as "Superintendent."

**SEC. 2.** That there is hereby created a County Highway Commission of Union County, and there is also hereby created the office of County Road Superintendent of Union County. The said County Highway Commission and Road Superintendent shall have general supervision and control over all county roads, bridges, and highways in Union County, except roads, bridges and highways which are constructed and maintained by the State or Federal Government, and over all road, bridge or highway funds now on hand or which may be hereafter raised or received from any source.

**SEC. 3.** That the Commission shall be composed of six members. Each of the Commissioners shall have been a resident of Union County for at least five years, shall be above the age of twenty-one years, shall not at the time of his election nor during his term of office be a member of the Quarterly County Court of Union County and no two of the Commissioners shall be residents of the same Civil District of said County.

The Superintendent shall have been a resident of the County for at least five years, shall be above the age of twenty-five years, shall have some knowledge of the construction and maintenance of roads and bridges and of the maintenance of road machinery and shall not at the time of his election nor during his term of office be a member of the Quarterly County Court of Union County.

**SEC. 4.** That there shall be created in Union County six road districts as follows:

The First Civil District of said County as it now exists shall constitute the First Road District.

The Second Civil District of said County as it now exists shall constitute the Second Road District.

The Third Civil District of said County as it now exists shall constitute the Third Road District.

The Fourth Civil District of said County as it now exists shall constitute the Fourth Road District.

The Sixth Civil District of said County as it now exists shall constitute the Sixth Road District.

The Seventh Civil District of said County as it now exists shall constitute the Seventh Road District.

**COMPILER'S NOTE:** Section 4 and 5 is missing a "Fifth Road Distict." That is how it is written in the original Act.

**SEC. 5.** That the following are hereby named as the members of the Commission:

First Road District-----O. T. Needham

Second Road District-----L. F. Booker

Third Road District-----Arthur Cook

Fourth Road District-----Bernie George

Sixth Road District-----Horace McCarty

Seventh Road District-----B. F. Rouse

The above named Commissioners shall constitute the County Highway Commission of Union County until the next regular election for county officers, when the Commission shall be elected by the qualified voters of their respective road districts to hold office for four years and until their successors are elected or qualified.

In the event that a vacancy shall occur on the Commission by reason of the death, resignation or prolonged absence of a Commissioner, it shall be the duty of the remaining Commissioners to fill the vacancy by appointing a person from the District concerned, and the person so appointed shall fill out the unexpired term of the former Commissioner or until his successor is elected and qualified.

As amended by: Private Acts of 1990, Chapter 143

**SEC. 6.** That the Commission shall have full and complete control over all highway funds belonging to the County, whether raised by local taxation or received from the State, subject to the provisions of existing laws with reference to county aid funds received from the State.

The Commission shall have complete charge of all purchases for use in connection with the operation and

maintenance of the county highway system. All purchases in excess of \$500.00, whether consisting of one item or more than one, shall be let to the lowest and best bidder. All bids filed shall be preserved by the Commission for a period of two years from the date of letting of such contracts, and during this period shall be open to inspection at reasonable hours by any qualified taxpayer of the County.

As amended by: Private Acts of 1967-68, Chapter 162

**SEC. 7.** That the Commission is hereby authorized to open, close or relocate such roads as, in its judgment, may be necessary to provide an adequate and complete system of county highways, and for the purpose of opening or relocating the roads, the power of eminent domain is expressly conferred upon the Commission.

**SEC. 8.** That the duties and powers of the Commission shall be:

1. To exercise general supervision, control and management, through the Superintendent, over all public roads, bridges and highways of the County, over all quarries, gravel pits or banks, etc; over the construction of such roads, bridges and highways and over the repair, upkeep and maintenance of the same.
2. To lay out and classify all public roads of the County, and to divide them into sections or divisions as may be necessary or convenient for the proper construction, repair and maintenance of same.
3. To open, restore, close or widen any public roads in the County, and to procure rights of-way for such purpose either by purchase, gift or the exercise of eminent domain.
4. To reemploy the services of an attorney whenever deemed advisable, subject to the approval of the County Judge or Chairman.
5. To have the right and power to expend all funds and revenues for road and bridge purposes now on hand or which may be hereafter raised or received from any source, for the proper construction, repair and maintenance of county roads, bridges and highways.
6. To determine and designate the roads, bridges or highways on which any road funds on hand or any road funds which may be raised or received from any source, shall be expended by the Superintendent.
7. To purchase all tractors, cars, trucks, graders, supplies and any other road equipment, machinery, tools and implements and to provide for the upkeep, repairs and maintenance of same.
8. To determine and fix the daily or hourly wage to be paid all laborers, clerks, bookkeepers, foremen or overseers who may be employed by the Superintendent under the provisions of this Act, provided, however, said wages shall not be fixed in an amount less than one dollar twenty-five cents (\$1.25) per hour.

As amended by: Private Acts of 1965, Chapter 57

**SEC. 9.** That each member of the Commission shall, before entering upon the discharge of his duties under this Act, take, subscribe to and file with the Clerk of the County Court an oath that he will perform the duties of the office faithfully, impartially and without prejudice against or favor to any individual or section of the County.

**SEC. 10.** The compensation of each of the commissioners of the county highway or road commission shall be two hundred fifty dollars (\$250.00) per month, plus any annual cost of living increases approved by the County Commission, for commissioners selected and qualified subsequent to July 1, 2020.

As amended by: Private Acts of 1976, Chapter 221  
Private Acts of 1992, Chapter 172  
Private Acts of 2004, Chapter 77  
Private Acts of 2020, Chapter 43

**SEC. 11.** That there is hereby created the office of County Road Superintendent of Union County who shall be elected in the regular August election, 1944, and every four years thereafter. The Superintendent shall serve for a term of four (4) years and until his successor shall have been elected and qualified, and in the event of the death, resignation, refusal to serve or removal of the Superintendent, the members of the Commission shall appoint a person to fill out his unexpired term.

Dennis L. Bailey is hereby named as County Road Superintendent to serve until the regular election in 1944 and until his successor is elected and qualified. Dennis L. Bailey shall qualify as Superintendent by taking, subscribing to and filing with the County Court Clerk the oath hereinafter provided for such County Road Superintendent, and by executing bond as such, as further hereinafter provided.

As amended by: Private Acts of 1949, Chapter 828  
Private Acts of 1951, Chapter 720  
Private Acts of 1967-68, Chapter 352

**SEC. 12.** That the person elected or appointed Superintendent shall, before entering upon the discharge of his duties or exercising any of the authority provided by this Act, take, subscribe to and file with the County Court Clerk an oath that he will perform the duties of the office faithfully, impartially and without prejudice against or favor to any individual or section of the County.

He shall also execute to the State of Tennessee a bond, with solvent sureties thereon, in the penalty of not less than Three Thousand (\$3,000.00) Dollars, that he will faithfully and impartially perform all of the duties required of him by this Act without fear, favor or partiality, and will honestly and faithfully expend and account for all moneys coming into his hands or under his disposition as Superintendent; his bond shall be approved by the County Judge or Chairman, filed and recorded as provided by law.

The Superintendent shall devote all of his time to his position, and shall be paid the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) per annum, in equal monthly installments, out of highway funds belonging to the county. In addition to his salary the Superintendent shall be furnished a pick-up truck, gas for its operation and necessary repairs thereon.

That the County Finance Committee is hereby directed and authorized to audit the books and records in the office of the Road Superintendent and shall report their findings to the County Court at each regular Quarterly Session of said Court.

As amended by: Private Acts of 1945, Chapter 13  
Private Acts of 1949, Chapter 226  
Private Acts of 1965, Chapter 57  
Private Acts of 1967-68, Chapter 162  
Private Acts of 1969, Chapter 118

**SEC. 13.** That the duties and powers of the Superintendent shall be:

1. To exercise charge and supervision of all county roads, bridges and highways, subject to the general charge and supervision of same by the Commission.
2. To make regular inspection of all county roads, bridges and highways, and to make reports to the Commission at its regular meetings showing the condition of all such roads, bridges and highways.
3. To demand and receive from the present road authorities all tractors, graders, plows, picks, shovels, and all other tools and equipment now being the property of the County, giving proper receipts therefor. To have charge and supervision of such machinery, tools, implements and equipment purchased for use on county roads, bridges, highways, quarries, gravel pits and banks, and to store such tools, machinery, implements and equipment so as to protect them from deterioration or decay and to have them in proper shape for use when needed.
4. To have the management, control and supervision of all laborers, and he may require any of such laborers to work on any road, bridge or highway in the County as he may deem best and advisable.
5. To have the right and authority to appoint or employ any laborers, foremen and overseers necessary to carry out the purposes of this Act as he may deem advisable. These employees shall at all times be subject to his orders and be under his control, and he may discharge any of them for reasonable cause.
6. To perform all other duties required of him under the provisions of this Act.
7. The Road Superintendent is authorized to sell, on behalf of the County Highway Commission, stone, gravel, or other road building material to any incorporated municipality in Union County. Payment for such material shall be made to the Union County Highway Commission.

As amended by: Private Acts of 1967-68, Chapter 162

**SEC. 14.** That the provisions of this Act are hereby declared to be severable, and the invalidity of any portion hereof shall not be held to invalidate the remaining portions, as such remaining portions would have been passed and enacted by the General Assembly if the invalid portions had not been incorporated in this Act.

**SEC. 15.** That all laws or parts of laws in conflict herewith be, and they hereby are, repealed, and that

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

Passed: February 1, 1943.

## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Union 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 1868-69, Chapter 8, regulated ferriages by permitting anyone to build or erect a ferry on Powell or Clinch Rivers at any place in Union County where these rivers ran, provided that boats were built according to the act's specifications and maintained in good order. The banks of the river were also required to be kept in good condition. No toll rates could be charged until an affidavit of compliance with this law was filed with the county court clerk. The county court set the rates to be charged, and anyone removing a boat could be sued for damages. Mail carriers and jurors for the courts were given special attention and every effort would be expended in their behalf despite weather or other conditions.
2. Public Acts of 1887, Chapter 55, allowed the county court of Union County to issue \$15,000 in 6%, 10 year bonds, to build a macadamized road in or through the said county. The details of the issue were fixed, the tax levy required, and the trustee given the onus of handling the money. This act was repealed by Private Acts of 1917, Chapter 166.
3. Public Acts of 1899, Chapter 315, permitted the quarterly court of Union County to issue up to \$50,000 in 6%, 50 year bonds, to build macadamized roads in the county as the county court may direct, the details were fixed, the tax levy required, and the county judge, or chairman, was given the responsibility to keep accurate and permanent records of all transactions connected with the issue and the projects.
4. Public Acts of 1901, Chapter 136, was a road law applying to all counties under 70,000 population. Th commissioners to accept bids and award contracts on work not to be done by county forces. This act was amended by Acts of 1905, Chapter 478, in several minor details but mainly on the methods to be used to initiate action to open, close, and change roads in the county.
5. Private Acts of 1913, Chapter 263, regulated the laying out, constructing, repairing and working of all amended by Private Acts of 1915, Chapter 368, which made it the duty of the district road commissioner to appoint overseers for the road sections instead of the county court. The county court would fix the time for working on the roads but in the event they did not, the overseer could do so. Road hands would be given credit for work whether done in their district or not and taxes would not apply to fractions of the \$100.00 property valuation. Private Acts of 1913, Chapter 263 was repealed by Private Acts of 1919, Chapter 632.
6. Private Acts of 1915, Chapter 664, provided for the locating, grading, building and macadamizing of roads and bridges in Union County, by authorizing the county court to issue interest bearing coupon bonds and provided for a board of commissioners to carry out the work of constructing the roads. This act also provided for the levy of a tax and the creation of a sinking fund to pay said bonds and interest thereon.
7. Private Acts of 1917, Chapter 166, allowed the county court to issue up to \$50,000 in 6%, 10 year bonds to construct and repair pike roads and bridges in Union County. The schedule of roads to be affected and the amount of money allocated to each were prescribed in the act. The Union County Road Commission "was to determine the rights of way, survey the routes and condemn all land which had to be taken." All the incidental details of issuance and operation of the program are in the act. Elbert Q. Hill, Elizah Shapp, Bishop L. Johnson, were named for all the roads except the Dixie Highway, and George N. Taylor, Thad C. Smith, and G. S. Steiner were named as its commissioners.
8. Private Acts of 1919, Chapter 648, authorized Union County to issue bonds in the amount of \$10,000 annually for the next ten years to construct and repair pike roads and bridges. Three roads were to be improved and the money to be spent on each were written into the act. The details fixed in the law recited 6% as top interest and 10 years as the maximum maturity period. The road commission, once formed, would be subject to the direction and general supervision of the court.
9. Private Acts of 1921, Chapter 351, authorized Union County to issue \$125,000 of interest- bearing

coupon bonds for the purpose of grading, repairing, building and constructing pike roads and bridges in the county. The bonds had an interest rate of 6% and matured in 30 years. T.B. Walters, Tillie Johnson, and C.E. Claiborne; A. R. Sharp, E. Q. Hill, and David Walker; Joe McDonald, William E. Broker, and J. F. Mitchell were the groups of road commissioners named, and Sherman Hill, J. P. Rutherford, and Mean Nelson would look after the bridges. This act was repealed by Private Acts of 1943, Chapter 155.

10. Private Acts of 1921, Chapter 768, provided for and regulated the laying out, constructing, and maintaining of the public and graded roads and bridges in Union County. This act also provided for the appointment or election of road commissioners and defined their duties and powers. This act was amended by Private Acts of 1925, Chapter 558 amended Chapter 768, above, by inserting a new Section 17 giving the road commissioners the right to exercise eminent domain and further permitting them to proceed with their work when a petition was filed. In condemnation cases the county judge would issue a warrant for the amount of damages so fixed and reported by the road commission which sum would be paid out of available road funds. This act was further amended by Private Acts of 1931, Chapter 737, which reduced the number of days the males had to work on the roads from six to four, the hours of the work day from 10 to 8, and the commutation rates from \$1.50 to .75¢ per day. Section 10 of this act which regulated the use of horses and wagons for the same purposes was stricken out entirely. Private Acts of 1921, Chapter 768, was repealed by Private Acts of 1943, Chapter 155.
11. Private Acts of 1927, Chapter 579, made it unlawful to operate any vehicle on the public highways and streets of any county seat in Union County at more than 12 miles per hour, and also extended the area of enforcement out into the county in the area between Hinds Ridge on the north and Cobb Ridge on the south, and a distance of one-half mile east and west of the court house. Signs proclaiming this fact were erected in the affected areas and violators were subjected to a range of fines from \$5.00 to \$25.00.
12. Private Acts of 1927, Chapter 584, created the office of general superintendent of roads; defined his pow
13. Private Acts of 1943, Chapter 155, repealed all the road laws enacted prior to the 1943 Act which makes up the current road law. These acts were listed as Private Acts of 1921, Chapter 768; Private Acts of 1921, Chapter 351; Private Acts of 1925, Chapter 558; Private Acts of 1927, Chapter 584; and Private Acts of 1931, Chapter 737.
14. Private Acts of 1951, Chapter 634, set the salary of the Union County Superintendent of Roads at \$2,400 per annum.
15. Private Acts of 1957, Chapter 336 established minimum hourly wages for employees of the Union County Road Department at \$1.00 per hour, for skilled employees at \$1.15 per hour, and for foremen at \$1.25 per hour. The superintendent of roads would draw no less than \$225 per month and the yearly salary of the road commissioners would be \$100. This act was amended by Private Acts of 1976, Chapter 221, which deleted Section 3 in its entirety. The deleted section fixed the compensation of the road commissioners at \$100 per annum.

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