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Chapter IX - Highways and Roads

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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

Memorial Bridge

Private Acts of 1982 Chapter 544

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

WHEREAS, the state of Tennessee has recently completed construction of a new bridge across the Cumberland River on Highway 141 South in Trousdale County; and
WHEREAS, such bridge was constructed to replace the old Coleman Winston Memorial Bridge; and
WHEREAS, it is desirable to many local residents to have the new bridge named Coleman Winston Memorial Bridge; now, therefore.

SECTION 1. The new bridge across the Cumberland River on Highway 141 South in Trousdale County is hereby designated as the "Coleman Winston Memorial Bridge". The Tennessee department of transportation is hereby directed to erect appropriate memorial plaques at each end of the bridge.

SECTION 2. This Act shall take effect July 1, 1981, the public welfare requiring it.

Passed: February 1, 1982.

Road Law

Private Acts of 1983 Chapter 38

SECTION 1. There is hereby created a Trousdale County Board of Highway Commissioners. Said Board shall consist of three (3) members, the County Executive, the County Superintendent of Roads, hereinafter provided for, and a citizen and free-holder of the County, elected by the County Legislative Body at its regular January meeting in January, 1985, and every two (2) years thereafter. Such citizen and freeholder shall not be an elected official of the County. The member so appointed shall serve a two (2) year term and until his successor is elected. The adoption of this Act shall not operate to alter the term of the current appointed member of the Board of Highway Commissioners, Clide Marshall, who was appointed in January 1983 for two a (2) year term.

SECTION 2. Said Board of Highway Commissioners shall not receive, directly or indirectly, any benefit, interest or profit arising out of any work or contract, nor any gift or gratuity from any person or corporation interested in any work or contract under the supervision or control of the Board. Any violations of this Act shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisonment in the county jail or both in the discretion of the Court.

The salary of each member of the Board of Highway Commissioners, except the County Superintendent of Roads, shall be the sum of six hundred dollars (\$600.00) per year, payable quarterly.

SECTION 3. There is hereby created the office of County Superintendent of Roads who shall be elected by the qualified voters of Trousdale County, who shall hold office for a term of four (4) years and until a successor is elected and qualified. Such election shall be held at the regular August election and each term shall begin on September 1 after said election. Persons seeking the office of County Superintendent of Roads must comply with the procedure and have the necessary qualifications for the office of chief administrative officer as established in the County Uniform Highway Law in Tennessee Code Annotated, Section 54-7-104, prior to their name being placed on the ballot for such office. The County Superintendent of Roads shall devote his full time to the duties of his office and shall receive compensation as provided in the County Uniform Highway Law. The adoption of this act shall not operate to alter the term of the current Superintendent of Roads, Charles Beasley, who was elected in August 1980 to serve a four (4) year term.

SECTION 4. The Board of Highway Commissioners, hereinafter referred to as the Board, shall have general supervision of the expenditure of all road funds, whether said funds be collected from a direct tax levy by the County Legislative Body or whether they be received from the state or federal government or from whatever source received. Said Board shall have supervision over the location, relocation, construction, reconstruction, repair and maintenance of the county road system, including bridges. The

Board shall classify the roads and highways in the county road system and shall designate which roads, highways and bridges shall be worked by the county highway department. The Board may adopt any procedures necessary for classifying the roads in the county, endeavoring at all times to apportion the work and improve as equally as possible all roads according to their importance and/or condition.

SECTION 5. The Board shall superintend the letting of all contracts for construction and repair of all roads, bridges, culverts, ferries and other matters pertaining to said roads and highways and for the purchasing of supplies, materials and equipment for use on or in connection with the same. All such contracts and purchases shall be made in full compliance with the County Uniform Highway law and the provisions of T.C.A., Section 54-7-113. No contract shall be entered into except at a regular meeting of the Board with at least two (2) members present and agreeing thereto, which assent shall be entered upon the Minute Book and signed by at least two (2) members before same shall become operative or binding. Provided, however, that in case of emergency, the County Superintendent of Roads may make such emergency purchases as necessary in accordance with the emergency purchase provisions of the County Uniform Highway Law in T.C.A., Section 54-7-113(c)(1)(C). A full report of such emergency purchases shall be made at the next meeting of the Board, otherwise the Superintendent shall be personally responsible for said purchases and not the County.

SECTION 6. It shall be the duty of the Board of Highway Commissioners to meet at least every thirty (30) days at the office of the Superintendent of Roads. The County Executive shall be the Chairman of the Board of Highway Commissioners. Two (2) members of the Board shall constitute a quorum for the transaction of business. A minute record of all transactions of the Board shall be kept in the office of the Superintendent of Roads.

SECTION 7. The Superintendent of Roads shall have all duties, responsibilities and authorities prescribed, in the County Uniform Highway Law, for the chief administrative officer under that law. The Superintendent of Roads shall execute a bond in accordance with and in the amount required by the County Uniform Highway Law in T.C.A., Section 54-7-108, for the faithful performance of his duties, prior to entering upon the duties of the office.

SECTION 8. The Superintendent shall make and keep on file at his office and in the office of the County Clerk a map or maps showing the location of all roads in the county which will be worked by the county highway department. Such maps shall be updated from time to time as necessary but at least annually.

The Superintendent shall keep himself informed as to the needs and conditions of all roads and shall have immediate charge of the work, repair, construction, maintenance and altering, and changing, of such roads, and shall have immediate charge of all the highway supplies, equipment and personnel of the county highway department. He shall make all contracts regarding such roads and the material, machinery, and supplies, subject to the approval of the Board, and shall be liable on his official bond for the faithful performance on the part of any contractor with whom he deals with respect to such matters and for his protection he is hereby authorized to require bond or bonds from said contractors. He shall be the active agent

through whom the Board exercises the powers and duties conferred upon it. He shall sign all warrants for the payment of the road and highway funds, and all warrants and orders for the county's pro rata share of the gasoline tax (county aid fund), which when countersigned by the County Executive, shall be paid by the County Trustee. Provided, however, in cases of absence, sickness or refusal on the part of the County Executive to countersign warrants and orders on the gasoline tax fund (county aid fund) when approved by the Board as herein provided, the Board by a vote of two (2) members of said Board may designate one of its members to countersign said warrants or orders against the road funds in his hands, notifying the County Executive of such action on their part.

The Superintendent shall make and keep, and file with the County Executive monthly, an itemized statement showing a true account of all funds spent and the purposes for which each warrant was issued, showing to whom all the money went. He shall make and submit quarterly to the County Legislative Body, a report showing the expenditures of all funds of the county highway department.

SECTION 9. At the time the County Legislative Body shall levy taxes for other purposes, it shall levy a road tax for the purpose of building public roads and bridges and repairing and maintaining same, which tax shall not be more than seventy-five cents (75¢) upon the One Hundred Dollars (\$100.00) worth of taxable property. Said road tax shall be assessed and collected in the same manner as any other property taxes and held by the Trustee subject to the order of the Board; provided, that it shall not be compulsory upon the taxable property of the County unless it appears that the funds being received as the County's share of the gasoline tax (county aid fund) is not sufficient to maintain and build the roads in a satisfactory manner, in which event it shall be the duty of said County Legislative Body to levy a County road tax as hereinabove provided.

SECTION 10. That it shall be unlawful for the Board or Superintendent to expend or to issue any warrants on the Trustee for road purposes or any orders on the gasoline tax fund (county aid fund) unless the funds shall at that time be already in the hands of the Trustee or a County tax levy shall have been made in sufficient amount to cover the same; provided, however, that said Board shall have the right to anticipate as much as one month of the County's pro rata share of the gasoline tax (county aid fund) due from the State; and provided further; that nothing herein shall prevent the Board from entering into a contract authorizing the expenditure of more money than is then on hand with the Trustee or for which a tax levy has not been made, provided that said funds can reasonably be expected to be available at the time said expenditure will be due according to the terms of said contract. Any member of the Board violating this section, or casting a vote known at the time to be in violation of this section shall be guilty of a fraudulent Breach of Trust and shall be punished in accordance with the law providing for the punishment of said offense.

SECTION 11. The Superintendent of Roads and the Board of Highway Commissioners shall not authorize or knowingly permit county road equipment, materials, supplies or labor to be used for any private use or for the use or benefit of any individual for private purposes. Failure to see that this provision is enforced is a misdemeanor, punishable, upon conviction, by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) or confinement in the county jail for a period of not less than ten (10) days nor more than thirty (30) days or both in the discretion of the court. Any employee of the county road department who shall use any truck or other road equipment, rock, crushed stone or other road material for his personal use, or sell or give away the same shall be immediately discharged. No truck or other road equipment or any road material shall be used to work private roads or for private purposes of owners thereof. Any person whose property is improved by having road material placed thereon in violation of this Act or the County Uniform Highway Law shall be liable to suit for the value of such improvements.

SECTION 12. That public roads may be opened, or changed at any time by the Board upon its own motion or upon application of any citizen of the County and section affected. All applications to open, close or to change roads shall be made by written petition addressed to the Board, stating its purpose and giving the general directions and description of the road involved, and the facts showing the necessity for the road or change proposed, which petition shall be considered by the Board within ten (10) days after it is filed, and it shall be a misdemeanor in office for said Board to fail or refuse to act on said petition within ten (10) days after it is filed, and the members thereof shall be subject to removal from office for such failure of action on such petition. But the Board, in its discretion, may either grant or refuse the road or change petitioned. In case the petition is allowed and a road is to be opened or changed, the parties whose lands are to be affected or touched by the proposed road shall be served with a five (5) days written notice if they are residents of the State, and if non-residents of the State said notice shall be served on their agents or attorneys, and if no resident agent or attorney, then said notice shall be mailed to the parties last known address at least fifteen (15) days before action is taken and also published in some newspaper in the County at least fifteen (15) days before action is taken. Said notice shall state when and where the Board will be present to take action in the premises, and at said time and place, said Board shall be present and hear any matter the interested parties may present and act in the premises. The Board shall lay out the proposed road or change, and summon three (3) freeholders, who, after first being duly sworn, shall constitute a jury of view, and who shall proceed to condemn such land as may be necessary and assess the damages therefor. In assessing damages, the jury of view shall take into consideration the increase in value, if any, which the improvement on the road will make in the lands affected, and shall assess the damages in accordance with the tax valuation of the lands affected. The record of all of which shall be filed in the office of the Superintendent. Either the Board or any of the interested parties may appeal from said assessment or action of the jury of view to the Circuit Court and from the Circuit Court to other appellate Courts in the usual way. Where parties appeal, bonds for cost and damages or pauper's oath shall be required. The jury of view shall each receive twenty-five dollars (\$25.00) per day for their services. The damages and such costs as may be properly taxed against the County shall be paid by the Trustee on the order of the Superintendent, properly countersigned by the County Executive.

SECTION 13. That the Grand Jury shall have inquisitorial powers over all offenses committed under this Act, and this Act shall be given especially in charge to the Grand Jury by the Circuit and Criminal Judges.

SECTION 14. The Trousdale County Board of Highway Commissioners, Superintendent of Roads and the county highway department are subject to the provisions of the County Uniform Highway Law found in Tennessee Code Annotated, Sections 54-7-101 et seq. and to the provisions of this Act. Any conflicts in this Act with the County Uniform Highway Law shall be resolved in favor of the County Uniform Highway Law.

SECTION 15. All Act (sic) or parts of Acts in conflict with this Act are hereby repealed. The provisions of this Act are hereby declared severable. If any of its sections, provisions, exceptions, sentences, clauses,

phrases or parts be held unconstitutional, unconstitutional in application or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

SECTION 16. This Act shall have no effect unless it shall be approved by two-thirds (2/3) majority of the County Legislative Body of Trousdale County. Its approval or nonapproval by that body shall be certified by the presiding officer to the Secretary of State.

SECTION 17. For the purpose of approving or rejecting the provisions of this Act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon adoption as provided in Section 16.

Passed: March 10, 1983.

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Trousdale 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 1909, Chapter 386, created a five member Board of Public Road Commissioners in Trousdale County who would be chosen for two year terms by the County Court which would also fill all vacancies. No State, County, or City official was eligible to serve on the Board. They would organize by selecting a Chairman and Secretary from their membership. The Board would receive such compensation as fixed by the County Court. The Board would manage and control the roads and bridges in the county exercising such powers as were expressed in the Act and necessarily implied, which included the employment of a civil engineer or surveyor to assist them. The Board would assign road hands to work areas, including the prisoners in the county workhouse. The County Court would levy a special road tax of five to twenty-five cents per \$100 property valuation, and fix the number of days to be worked between five and fifteen for all males between the ages of 21 and 65. The Board may select as many Road Overseers as necessary who would be paid \$1.25 a day. The rate of pay for commutation was 75 cents for labor and \$2.50 for a wagon and team. The Board would handle in a proper manner all requests to open, close, or change roads.
2. Private Acts of 1911, Chapter 439, was a road law for both Trousdale and Macon counties. A five member Board of Public Road Commissioners was created whose members would be elected by the Quarterly Court to two year terms. No State, County or City official could serve on the Board, nor could any member have any personal interest in any contract or transaction. The members would be compensated as the Quarterly Court directed. The Board would be in charge of all roads, bridges, road hands, and county prisoners, could employ a civil engineer or surveyor to aid them, and must make such records, maps, plats, and street guides as necessary to classify and index all the public roads. The Quarterly Court must levy a special road tax from ten to thirty cents per \$100 property valuation. All males between ages of 21 and 50 must work the number of days between four and six decided by the Court or commute at the rate of 75 cents for labor and \$2.50 per wagon and team. The Commissioners could appoint as many Overseers as needed to be in immediate charge of the sections of road who would be paid \$1 per day. The Board would have the power to open, close, or change roads.
3. Private Acts of 1919, Chapter 208, was a Road Law applicable only to Trousdale County and was substantially a repetition of prior laws creating the five member Board of Public Road Commissioners insofar as their powers and duties were concerned. The limits on the special road tax to be levied by the Quarterly Court was from 15 to 40 cents per \$100 property valuation, and the Act made males from 21 to 50 subject to road duty of between five and ten days per year. Two dollars was allowed for a day's labor and \$5 for the use of a double team, wagon, and driver. Provisions for opening, closing, or changing roads were essentially the same as in previous Acts.
4. Private Acts of 1921, Chapter 113, created a three member Board of Public Road Commissioners who would be elected by the Quarterly Court to two year terms. The powers of the Board were similar to those granted in previous Acts. The special road tax levy was to be fixed between 20 cents and 50 cents, and the number of days for road work between five and ten, as set by the Court. Road overseers would be paid \$1.50 a day. A road hand could commute by paying \$1 for each day not worked, and those with teams and wagons had to pay \$3 to commute for one day. This Act was repealed by Private Acts of 1935, Chapter 27.
5. Private Acts of 1921, Chapter 594, amended Private Acts of 1921, Chapter 113, by reducing the minimum amount of the road tax specified in that Act from twenty cents to five cents. This Act

was repealed by Private Acts of 1935, Chapter 27.

6. Private Acts of 1921, Chapter 801, recited in the preamble that certain counties have purchased from private enterprise turnpikes and ferries at a great cost to the taxpayers, which turnpikes are now falling into a state of disrepair because of a lack of funds to be spent for that purpose, but they need to be kept up, therefore, this Act allows the Quarterly Courts of the counties to reopen the toll gates on the turnpikes to produce revenue as they may direct, charging such tolls as they may deem proper, and to designate the Road Commissioners as Turnpike Commissioners to supervise the roads. All funds derived from the reopening of the toll gates shall be used exclusively to repair the said roads. When other funds became available, these roads would become free public roads. This Act was repealed by Private Acts of 1935, Chapter 27.
7. Private Acts of 1925, Chapter 600, provided that in Trousdale County one Road Commissioner shall be elected by the people for a two year term, the first election to be at the regular August election in 1926, the term of office to being immediately after the election. The duties of the member would be as prescribed by law, and his compensation would be \$3.50 per day for each day actually worked.
8. Private Acts of 1927, Chapter 498, provided for a County Road Commissioner who would be elected at the regular August election in 1928 for a term of four years, taking office on September 1, following. The salary would be \$100 a month with the Commissioner furnishing his own transportation, but, if his work carries him out of the county, the county would pay his expenses. He would control and manage all the roads, bridges, workhouse and jail, road hands and laborers on the county roads. He may employ a civil engineer or surveyor to assist him. The Commissioner would supervise all materials, machinery and tools, assign the same to areas where needed, conduct the annual settlements with overseers, and keep sufficient records of all receipts and disbursements. The special road tax limitations were fixed at 20 to 50 cents per \$100, and the days to be worked would be fixed by the Court between five and ten. Overseers would be paid \$2 a day. Road hands could commute at the rate of \$1.50 per day. The County Road Commissioner would handle applications to open, close or change roads. This Act was repealed by Private Acts of 1935, Chapter 27.
9. Private Acts of 1931, Chapter 106, provided for a County Road Commissioner in Trousdale County who would be elected for a four year term at the regular August election in 1932, and take office on the first Monday in September following. The Road Commissioner would receive a salary of \$150 per month but must furnish his own transportation. He could use gas and oil from the county tanks while performing his duties. The Commissioner would have control and management of roads, bridges, the workhouse and jail, and the laborers on the roads. He could employ a civil engineer or surveyor to assist in laying out roads, making maps, plats, and surveys, and assist in other ways as the best interests of the county might dictate for which he would fix the compensation. He may erect a suitable building for a garage or warehouse. The special road tax levied by the County Court would run from 20 to 75 cents per \$100, and the males subject to road work in the county must work from six to twelve days as the Court should decide. If the tax did not produce sufficient revenue, additional taxes could be levied. Commutation fees were set at \$5 per year for laborers. This Act was repealed by Private Acts of 1935, Chapter 27.
10. Private Acts of 1931, Chapter 109, amended Private Acts of 1927, Chapter 498, by increasing the salary of the County Road Commissioner from \$100 to \$150 per month. This Act was repealed by Private Acts of 1935, Chapter 27.
11. Private Acts of 1935, Chapter 31, established a three member Board of Highway Commissioners composed of the Chairman of the County Court, the County Superintendent of Roads, and one resident citizen who would be appointed by the Quarterly Court to a two year term. The Act named Jack B. Carey to serve on the Board as the citizen member until the first Monday in January, 1937. Compensation, except for the Superintendent of Roads, would be \$3 per day up to \$100 a year. The Superintendent of Roads, whose salary was set at \$100 per month, would be elected by popular vote for four year terms, and must furnish his own transportation for which he would be given gasoline and oil. Walter J. Beasley would serve as Road Superintendent until his successor was elected. The Commissioners, who would be in charge and control of all the aspects of the county road system, the road funds, the materials and supplies, the machinery and equipment, and all the personnel, were required to meet at least once every thirty days. Purchases of over \$500 had to be done through solicitation of bids. The special road tax could not exceed 75 cents per \$100. Males between the ages of 21 and 50, must labor on the roads the number of days between six and twelve which was fixed by the Quarterly Court, or pay \$1 for each day missed. Overseers must work six days but would be paid \$2 for every day over that. Applications to open, close or change roads would be made to the Commission.

12. Private Acts of 1935, Chapter 525, amended Private Acts of 1935, Chapter 31, by rewriting the section concerning the office of County Superintendent of Roads. This new section appointed Walter J. Beasley as the first County Superintendent of Roads who would hold office until the regular August election of 1938.
13. Private Acts of 1935 (Ex. Sess.), Chapter 92, was a virtual duplicate of Private Acts of 1935, Chapter 525, except for the addition of an additional qualification for the office of County Superintendent of Roads. This qualification would render ineligible any person who had served as County Road Commissioner for as long as four years in the eight year period preceding the August, 1936 election. This provision of the Act was declared unconstitutional in the case of *Beasley v. Cunningham*, 171 Tenn. 334, 103 S.W.2d 18 (1937), because it unreasonably deprived the defendant of a constitutional privilege.
14. Private Acts of 1943, Chapter 217, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by removing the restriction of serving only two consecutive terms from the County Superintendent of Roads. The people of Trousdale County were also specifically given the right to elect whomsoever they chose to the office of County Superintendent of Roads.
15. Private Acts of 1945, Chapter 64, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by increasing the monthly salary of the County Superintendent of Roads from \$100 to \$150 per month, and by removing the requisite that purchases over \$500 must be advertised and bids taken under the procedures established in that Act.
16. Private Acts of 1949, Chapter 95, amended Private Acts of 1945, Chapter 64, by raising the monthly salary of the County Superintendent of Roads from \$150 to \$200.
17. Private Acts of 1953, Chapter 575, was a road law for Sequatchie County but which used population figures from the 1950 Federal Census which would also make the law applicable to Trousdale County. The Act provided for a full time Road Supervisor to be popularly elected to a term of two years.
18. Private Acts of 1955, Chapter 359, would have given Trousdale County a new Road Law, repealing Private Acts of 1935 (Ex. Sess.), Chapter 92, but this Act was not approved in a referendum election and never became effective. This Act created the office of Superintendent of Roads who would be the executive head of the Department of Roads at a \$3,000 annual salary. He would have general and immediate supervision over all the facets of the road program in Trousdale County. He would be elected to a four year term by popular vote beginning in 1956.
19. Private Acts of 1957, Chapter 233, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by adding a new Section to that Act which provided for the Superintendent of Roads to be reimbursed for all necessary and legitimate expenses incurred by him in the execution of the duties of his office but not to exceed \$100 per month. The amount of his approved expenses would be added to the warrant paying him his salary each month, after he had filed a sworn, itemized statement of the same, which would be approved by the County Judge. This Act was repealed by Private Acts of 1972, Chapter 217.
20. Private Acts of 1957, Chapter 234, recited in its preamble that Private Acts of 1935 (Ex. Sess.), Chapter 92, as amended, was enacted to provide a county road system for Trousdale County, and that Private Acts of 1953, Chapter 575, was intended to provide a county road system for Sequatchie County but had unintentionally included Trousdale County within its provisions, therefore this Act declared Private Acts of 1935 (Ex. Sess.), Chapter 92, as amended, to be in full force and effect in Trousdale County.
21. Private Acts of 1967-68, Chapter 380, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to increase the monthly salary of the County Superintendent of Roads from \$200 to \$350.
22. Private Acts of 1967-68, Chapter 381, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by raising the compensation of the members of the Board of Highway Commissioners from \$3 per day spent in service to \$300 a year, payable quarterly.
23. Private Acts of 1972, Chapter 217, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to increase the monthly salary of the County Superintendent of Roads from \$350 to \$500 in an Act which was properly ratified by the Quarterly Court.
24. Private Acts of 1974, Chapter 253, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to increase the salary of the County Superintendent of Roads from \$500 per month to \$10,000 a year.
25. Private Acts of 1974, Chapter 254, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to raise the compensation of the members of the Board of County Highway Commissioners from \$300 to \$600 a year, payable quarterly.

26. Private Acts of 1979, Chapter 8, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to revise the salary of the members of the Board of Highway Commissioners from \$10,000 to \$14,122.88 annually, and to further provide that the Superintendent of Roads would draw the same salary as that of the Property Assessor, the Sheriff and the Trustee of Trousdale County.

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