



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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Chapter IX - Highways and Roads

Dear Reader:

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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

Road Law

Private Acts of 1997 Chapter 62

SECTION 1. Effective September 1, 1998, Chapter 113 of the Private Acts of 1929, Chapter 512 of the Private Acts of 1931, Chapters 115 and 325 of the Private Acts of 1939, Chapter 114 of the Private Acts of 1953, Chapter 168 (sic) of the Private Acts of 1961, Chapter 346 of the Private Acts of 1972, as amended by Chapter 114 of the Private Acts of 1953 (sic), and any other acts amendatory thereto, are hereby repealed.

COMPILER'S NOTE: Private Acts of 1961, Chapter 168, only applies to Roane County.

SECTION 2. The highway commissioner for Hardin County shall be elected by popular vote for a term of four (4) years at the 1998 regular August election, with the term of office to commence on September 1, 1998. This act shall not in any way abridge the term of office of the current highway commissioner. The county highway commissioner shall be the chief administrator of the county highway department under the terms of the County Uniform Highway Law.

SECTION 3. The county highway commissioner shall be the purchasing agent for the Hardin County Highway Department and as such is responsible for all purchases of the department, for proposing a budget for the department, and for maintaining the inventory of the department. In performing these duties, the highway commissioner shall conform to all appropriate provisions of state law, including the County Uniform Highway Law, and to the appropriate local acts or resolutions.

SECTION 4. The county highway commissioner shall have the authority to make expenditures from the highway fund and to issue warrants drawn against the road fund of Hardin County under his or her signature.

SECTION 5.

(a) There shall be an elected highway board for Hardin County. One (1) member shall be elected from each of the four (4) highway districts in Hardin County with each member residing in the district which he or she represents. Each board member, however, shall be elected by the qualified voters of the entire county. Nothing in this act shall be construed to cut short the terms of office of the existing members of the highway board. As the current terms of office naturally expire, a successor shall be elected in the regular August election immediately prior to the end of the term. Members of the First and Second Districts shall therefore be elected in the regular August election of the year 2000. Members of the Third and Fourth Districts shall be elected in the regular August election of the year 1998. Subsequent terms of office shall be four (4) years in length and shall commence on September 1 immediately after the election.

(b) The districts shall be composed as follows:

- (1) District No. 1: lying east of the Tennessee River and north of U.S. Highway No. 64, formerly known as State Highway No. 15;
- (2) District No. 2: lying east of the Tennessee River and south of U.S. Highway No. 64, formerly known as State Highway No. 15;
- (3) District No. 3: lying west of the Tennessee River and south of U.S. Highway No. 64, formerly known as State Highway No. 15; and
- (4) District No. 4: lying west of the Tennessee River and north of U.S. Highway No. 64, formerly known as State Highway No. 15.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Hardin County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: May 21, 1997.

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Hardin County, but which are no longer operative.

1. Acts of 1837-38, Chapter 251, appointed Richmond Baker, Austin Miller, William Ramsey, David Fentress, and R. P. Neely, of Hardeman County; William S. Wisdom, W. B. Terry, Martin Cross, Thomas Bell, and J. P. Young, of McNairy County; Christopher H. McGinnis, James Irwin, David Robinson, Richard Davie, and Samuel Perkins, of Hardin County, as Commissioners to open books and subscribe stock in an amount up to \$100,000 to build a turnpike road from the bank of the Tennessee River opposite Savannah to Purdy and onto Bolivar, the road to be constructed under the same rules, restrictions, and standards, as applied to other turnpikes.
2. Acts of 1847-48, Chapter 44, created and incorporated the Indian Creek Turnpike Company naming J. J. Gibson, John Kervin, Martin Cook, A. Montague, George F. Benton, John Hardin, J. L. Smith, John S. Broyles, and Thompson Hurst as Commissioners to take subscriptions on \$75,000 in stock at \$50 a share. The corporation was to build a macadamized turnpike road from Waynesboro to Savannah in the direction of and along the route of the existing main road. The road was required to be built to meet certain specifications set forth in the act, including the specification that it be eighteen feet wide.
3. Acts of 1901, Chapter 136, was a statewide road law for all counties in Tennessee under 70,000 in population. The County Court in each county would select a Road Commissioner at its January meeting from each of the Road Districts in the county. Road Districts were to be coextensive with civil districts in the county. The duties of the Road Commissioners were enumerated in the act. The Commissioners would name the overseers for each road section in their Districts who would be in immediate charge of the matters affecting that road. Male residents of the county between twenty-one and forty-five years of age were required to work on the roads for as many days as was established by the County Court or pay such commutation charge as may be determined by the Court, none to be less than seventy-five cents per day. A special tax of two cents per \$100 worth of taxable property was authorized to be levied in order to carry out the purposes and intentions of the legislation. Some general specifications for roads were established and provisions made for the hearing and disposition of petitions to open, close, or change roads. Road work would be contracted under the supervision of a committee composed of the County Judge and four citizens of the county. Commissioners would be paid at the same rate as Justices of the Peace for each day actually devoted to their duties. The constitutionality of this act was upheld in the courts in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
4. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor details but most importantly in the method of handling the petitions filed with the commission to open, close, or change roads in the county.
5. Acts of 1909, Chapter 268, was a comprehensive road law for Hardin County. The County Court would elect one Road Commissioner from each road district. The road districts were to be coextensive with the County civil districts. Each Commissioner would have the general supervision over all the roads, bridges, and overseers in his district. He would be sworn, bonded, and would serve a two year term. He could purchase tools and some other supplies and would be paid up to \$50 per year for his services. The County Court would also determine the number of days from five to eight, which the resident male citizens of the County, between twenty-one and forty-five years old in the county would work on the roads. Credit would be given if a team and wagon were furnished. A special road tax ranging from four to ten cents per \$100 of property valuation could be levied by the Court. Commissioners would appoint road overseers in their districts who would be responsible for all the tools in use in their districts. Road specifications were set forth and the roads were to be classified. Provisions were incorporated to open, close, or change a road and for working prisoners on the roads under certain conditions.
6. Private Acts of 1923, Chapter 465, provided that the Governor would appoint a suitable person to be Highway Commissioner for a term of two years in Hardin County. The Highway Commissioner would have supervision and control of repairing and constructing the roads in the county on which the automobile tax was to be expended. He would sign all checks, drafts, and vouchers expending automobile tax funds and report to the State Highway Commissioner by December 31 of every year on certain details of receiving and disbursing funds. No provision of the act was intended to interfere with the then current operation of the Hardin County Road Department. The Commissioner would receive \$400 per year as salary, payable quarterly.
7. Private Acts of 1925, Chapter 138, amended Private Acts of 1923, Chapter 465, above, by reciting that the above act created the position of Highway Commissioner in Hardin County at a salary of \$100 quarterly but did not mention the source from which the funds would come to pay the salary, and that the commissioner who had been appointed under the terms of the act had not

been paid. The act directed the Comptroller of the State Treasury to pay the Commissioner \$100 per quarter out of that portion of the Automobile Tax Fund belonging to Hardin County and to pay the same retroactively to April, 1923.

8. Private Acts of 1929, Chapter 113, as amended by Chapter 512 of the Private Acts of 1931, Chapters 115 and 325 of the Private Acts of 1939, Chapter 114 of the Private Acts of 1953, Chapter 168 (sic) of the Private Acts of 1961, Chapter 346 of the Private Acts of 1972, as amended by Chapter 114 of the Private Acts of 1953 abolished the office of District Road Commissioner and created the office of the Hardin County Highway Commissioner and the Board of Supervisors. The County Highway Commissioner was to be elected every 2 years by popular vote and receive a salary of no less than \$1,800 a year and no more than \$2,400. The Commissioner was designated as the official agent and representative of the County when dealing with the State Highway Department; the Commissioner was given the authority of eminent domain; the Commissioner was given supervision and control over all public roads and bridges that did not belong the State; the commissioner required to report to the Quarterly County Commission; and the Commissioner was authorized to perform road work or contract out the road work. The Act also provided for a Board of Supervisors elected every 2 years and comprised of five (5) members, one (1) elected from each of the 5 districts. Together the Board of Supervisors and Highway Commissioner were responsible for purchasing highway related materials, making payments for contracts, and required to not spend funds that were not available. This Act was repealed by Private Acts of 1997, Chapter 62.
9. Private Acts of 1953, Chapter 114, amended Private Acts of 1929, Chapter 113, providing for the Highway Commissioner to receive \$3,600 per year, payable in installments of \$300 per month. It further provided for the Highway Commissioner's secretary to receive \$100.00 per month. All purchased by the Highway Commissioner required the County Judge to draw up a warranty to make payments. The Act stated that if the Highway Commissioner did not make a required detailed report of the quarterly expenditures to the Quarterly County Court, it was grounds for ouster. All purchases over \$500 had to be competitively bid and the Highway Commissioner had to put up a \$25,000 bond. Regarding the Highway Board, the Board was composed of 4 members, one from each district, who would be elected by the entire county, but they were required to reside in the district they represented. The Highway Board members were elected for 4 years, while the Highway Commissioner was only elected for 2 years. The Act was repealed by Private Acts of 1997, Chapter 62.
10. Private Acts of 1961, Chapter 138, amended Private Acts of 1929, Chapter 113, providing that the Highway Commissioner shall be elected every 4 years, beginning with the election in August 1962. This Act was repealed by Private Acts of 1997, Chapter 62.

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