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## Chapter IX - Highways and Roads

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<b>Chapter IX - Highways and Roads .....</b>	<b>. 3</b>
<b>Road Law .....</b>	<b>. 3</b>
<b>Private Acts of 1989 Chapter 122 .....</b>	<b>. 3</b>
<b>Highways and Roads - Historical Notes .....</b>	<b>. 4</b>

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1989 Chapter 122

**SECTION 1.** Chapter 609 of Private Acts of the Private Acts of 1951, relative to the county highway commission in Putnam County, as amended by Chapter 166 of the Private acts of 1961, as amended by Chapter 111, of the Private Acts of 1965, as amended by Chapter 364, of Private Acts of 1968, as amended by Chapter 165 of the Private Acts of 1974, as amended by Chapter 126 of the Private Acts of 1979, as amended by Chapter 48, of the Private Acts of 1987, as amended by Chapter 40, of the Private Acts of 1989, and all other acts amendatory thereto, is hereby repealed.

**SECTION 2.** In Putnam County the building, upkeep and maintenance of all public roads which fall under the supervision and authority of such county, as distinguished from those roads which are built and maintained by the State or Federal Government, or both, shall be known as county roads.

**SECTION 3.** In Putnam County there is hereby created the office of county road supervisor, which office shall be filled by a resident citizen of said county. The county road supervisor shall be elected by the qualified voters of Putnam County at the regular election to be held in said county in August, 1990, said county road supervisor shall be elected for a term of four (4) years and the person so elected shall take over and perform the duties of said office in september 1, 1990. His successor shall be elected by the qualified voters in the regular August election each four (4) years thereafter and shall take office the first day of September next following his election. Provided, however, that no member of the county legislative body of Putnam County shall be eligible for the office of the county road supervisor. Before assuming the duties of said office, the person so elected shall be required to make an indemnity bond, the cost of which shall be paid from the county road fund and such bond shall be in the amount fixed by the general law of this state, under Tennessee Code Annotated, Section 54-4-103, and made with some solvent bonding company authorized to do business in Tennessee, payable to the State of Tennessee for the use and benefit of Putnam County and conditioned that said county road supervisor will faithfully and honestly perform the duties of his office. The county road supervisor may be removed from his office as other public officials are removed from office. In case of vacancy in the office of the county road supervisor, and occurring while the county legislative body of Putnam County is not in session, the same shall be filled by appointment made by the county judge, to hold until the next meeting of the county legislative body of Putnam County when the vacancy will be filled by said county legislative body until next the regular August election.

**SECTION 4.** The compensation of the county road supervisor shall be established as provided in the County Uniform Highway Law, Tennessee Code Annotated, Section 54-7-106.

**SECTION 5.** The county road supervisor shall have general supervision of all common and graded macadamized roads in the county, other than the state and federal highways and other than private roads. The county road supervisor shall have full power to hire and fire men employed to do work. He shall fix their wages which shall be in accordance with the prevailing wage scale for like work in the community where their work is performed. The said county road supervisor shall devote his entire working time to the duties of his office which may be increased or diminished from time to time. In the event the county needs his services in connection with other road construction not directly under his supervision, he must make himself available. He shall maintain his office at the county garage.

The county road supervisor is vested with full power and authority in all matters pertaining to the laying out, working, building, maintaining and improving and otherwise looking after the roads, bridges and culverts within the county road system. He shall be the custodian of all road supplies, tools, implements, equipment, machinery and material of all kinds belonging to the county to be used in connection with the construction, maintenance and improvement of the county road system.

It shall be the duty of the county road supervisor to prepare or cause to be prepared a complete inventory of all property which may be under his jurisdiction and control at the beginning of each new term of office, and on June 30th of each calendar year thereafter, showing original cost of equipment and supplies, when and where purchased, amount of depreciation taken the date of inventory, a copy of which will be furnished to the secretary of the county legislative body of Putnam County for permanent filing in its records. Said county road supervisor shall prepare all payrolls, showing the number of hours, days, weeks or months worked, rate of pay per hour, day, week or month, with total amount due to be paid, and shall prepare a list of bills owed and to whom to be paid, purpose and amount, with the total amount of bills to be paid, with a copy of which shall be filed with the secretary of the county legislative body of Putnam

County. All inventories, payrolls, and bills to be paid must be signed by the supervisor.

The county road supervisor shall have the authority to appoint a bookkeeper, prescribe his or her duties, fix his or her compensation to be paid from the county road fund with the approval of the county legislative body of Putnam County, and who shall serve at the pleasure of the county road supervisor.

Said bookkeeper shall keep the records required to be kept in the office of the county road supervisor and shall work in the office of said county road supervisor and shall perform any and all other duties consistent with said office that may be requested from time to time by said county road supervisor; provided, however, that no member of the county legislative body of Putnam County shall be eligible for the office of bookkeeper.

**SECTION 6.** The county road supervisor is authorized and empowered to purchase gasoline, oil, tires, trucks and all other necessary road supplies and equipment. No expenditures in excess of two thousand five hundred dollars (\$2,500) shall be made until the same is publicly advertised and competitively bid in accordance with the provisions of the County Uniform Highway Law, Tennessee Code Annotated, Section 54-7-113. The county road supervisor shall not expend or obligate funds in excess of the funds received or receivable from all sources during the fiscal year. All disbursement warrants for obligations of the county highway department shall be signed by the county road supervisor.

**SECTION 7.** The county road supervisor is hereby vested with full power and authority as to all matters pertaining to the opening, closing and changing of all county roads. Said county road supervisor may from time to time hold public hearings. Before each hearing is held, the county road supervisor shall place a general notice of such hearing in a newspaper of general circulation in Putnam County at least seven (7) days prior to the date of said hearing. At such hearing, the county road supervisor shall hear from an interested party who shall make his views known by petition in regard to any matter pertaining to the opening of a new road, the closing of an existing road, or any such business as comes under the jurisdiction of the county road supervisor as provided within this act. The county road supervisor shall take whatever action on said petition he deems advisable within ten (10) days from the date thereof.

**SECTION 8.** The county road supervisor, before assuming the duties of his office, shall subscribe to an oath as other county officials subscribe.

**SECTION 9.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 10.** All acts and parts of acts in conflict with this act and all special road legislation heretofore enacted for said county, and the same, are hereby repealed.

**SECTION 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Putnam County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Putnam County and certified by him to the Secretary of State.

**SECTION 12.** 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 11. Provided, however, nothing herein shall be construed to abridge the term of any member of the existing Putnam County highway commission until there is a vacancy in such office or until the next regular scheduled election.

Passed: May 25, 1989.

## Highways and Roads - Historical Notes

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

1. Acts of 1901, Chapter 136, was a general road law made applicable to all counties whose population was less than 70,000, according to the 1900 Federal Census. The County Court of each County would pick one Road Commissioner to serve two years from each Road District in the County, The Road Districts being co-extensive with the Civil Districts. The Commissioner must be sworn, bonded, would be compensated at the rate of \$1 per day not to exceed ten days per year, and the Commissioner would be in charge of all roads, bridges, road hands, tools, equipment, and materials used in his District. The County Court would determine the number of days a road hand must work on the roads which number would be no less than five days, nor more than eight days, and would fix a price for each day's labor. The County Court must levy a tax for roads of two cents per \$100 for each day's work the Court set for the road hands each year. The

- Commissioners were obligated to name and supervise the Road overseers in their District who would be placed in immediate charge of specific sections of road. Overseers were required to work the same number of compulsory days as everyone else but would be paid up to \$6 a year for extra work. All males, outside the cities, between the ages of 21 and 45 were subject to compulsory road work, or to pay a fixed commutation fee. Road Commissioners were to dispose of petitions to open, close, or change roads in their areas, must index and classify each road according to the specifications, and would further see that the roads in their district met the construction specs established by the Court, or the State. This Act, which did not apply to cities, was part of the case of *Carroll v. Griffith*, 117 Tenn. 500, 97 S.W. 66 (1906).
2. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars, but primarily in the procedures to be observed in the acquisition of property for rights of way and other road purposes, especially when the power of eminent domain was to be used.
  3. Private Acts of 1911, Chapter 531, created a three member Board of Public Road Commissioners in Putnam County, one of whom would reside in the eastern section of the County, one in the middle section, and one in the western section. The members, who were to be appointed by the County Court, could not be members of the Court, and would serve initially the staggered terms provided in the Act but afterwards the terms would be for three years. The Commissioners were to select one of their own members as Chairman, would be paid \$2 per day for each day spent in the discharge of their duties up to \$50 a year, plus a mileage allowance, and would take charge of and control all the public highways and bridges in the County. The Commission had the authority to employ a Road Superintendent, who must be experienced in road building, at an annual salary of \$1,200 but who must furnish his own transportation and pay all his expenses out of his salary. The Superintendent would be placed in immediate charge of the road department, its tools, equipment, and materials, and would have an office in the court house at which the Commission must meet once a month. The Superintendent was required to make a map of all county roads, classify and index them, and appoint Foremen over road crews who would be paid no more than \$1.50 per day. All males between the ages of 21 and 50 outside of cities were obligated to work out, or pay \$3.00 -- \$4.50, each year by laboring six days on the county roads. The Commissioners, who must keep sufficient records of all transactions, would hear and dispose of all the petitions to open, close, or change roads, would have the power to condemn property, and would be in charge of the county workhouse and the prisoners. The County Court was to levy a general road tax each year of no less than ten cents, nor more than twenty-five cents, for the maintenance and upkeep of the roads.
  4. Private Acts of 1915, Chapter 530, generally repealed all conflicting laws and abolished the position of Public Road Superintendent and the Board of Public Road Commissioners all of whom were to make their final settlements with the County Judge no later than July 15, 1915. All the roads heretofore designated as public roads would remain in that category, and the Quarterly County Court convening after the passage of this Act were required to classify the roads of the county into three classes according to the width and grade. The County Court must appoint overseers for the various sections of the county roads who would be sworn into office and serve until January 1, 1916, when their successors would be appointed to serve for one year. The overseers would be in immediate supervision of road hands who would be directed to work on the roads the number of days decided by the Quarterly Court, not exceeding eight days per year, but the road hands could commute by paying \$1 for each day not worked. Tools, materials, and funds were to be distributed among the roads as equally as possible. Procedures to be followed when resorting to condemnation proceedings to acquire property were set up in the Act. The County Court could elect three Pike Commissioners, one from each geographical section of the county, who would have control of all rock crushers in the county and also be in charge of the county workhouse and its prisoners.
  5. Private Acts of 1917, Chapter 605, generally repealed all conflicting laws with this Act which provided for four classifications for roads in Putnam County. The County Court was given the power to change the classes if need arose. All county roads were to be laid off in sections and persons living on those sections would be required to work their road, starting on January 1, 1918, all old regulations being left in effect until that date, at which time overseers were to be appointed for each section of road. All males, outside cities, between the ages of 21 and 50 must work eight days of eight hours each on the roads, or pay \$1 for each day missed which would be used by the overseer of that section to hire laborers. A general road tax between five and fifteen cents per \$100 must be levied with the funds used to purchase small tools and materials and to compensate overseers at the rate of two dollars per annum. Another general road tax, also of the ad valorem type, would be levied whose proceeds would be used as a pike road and graded road maintenance fund. This tax could be no less than 25 cents and no more than 40 cents and would

- be apportioned to roads at prescribed in the Act. The County Court could elect three Commissioners to be known as Commissioners of Pikes and Graded Roads, one from each major geographical division of the County, who, with the County Judge, or Chairman, would generally supervise the overall county road program. Provisions to open, close, or change roads, to award damages, and to condemn property were included. No gates could be placed across roads without the permission of the County Court, and one could be fined for obstructing a road. This Act was repealed by Private Acts of 1921, Chapter 625.
6. Private Acts of 1919, Chapter 672, amended Private Acts of 1917, Chapter 605, by deleting the words "Quarterly County Court" and inserting in their place the words "County Commissioners" wherever the same occur same occur in Sections Four and Five. Section 4 was further amended by placing the time of September 1 of each year as the last day for road labor to be accomplished. Section 10 was changed to place the supervision of the road work and the payment of funds under the Commissioners. Section 28 was added which paid the County Judge, or Chairman, \$300 annually for the extra work they had to do under the terms of this Act. This Act was repealed by Private Acts of 1921, Chapter 626.
  7. Private Acts of 1920 (Ex. Sess.), Chapter 36, Page 192, amended Section 18, Private Acts of 1917, Chapter 605, so that the minimum tax rate for the road levy was reduced from 25 cents to 6 cents per \$100, property valuation, and the maximum rate was changed from 40 cents to 14 cents.
  8. Private Acts of 1921, Chapter 626, Page 1954, created the position of County Road Supervisor in Putnam County who would be appointed by the County Judge, or Chairman, and confirmed by the County Court, who must be 25 years of age, or older, and a competent road builder with experience. The Supervisor would be appointed for a two year term but could be removed for certain causes, would be paid a salary fixed by the Quarterly Court of between \$1,500 and \$2,000 annually, to be charged equally to the three Road Divisions. He must be sworn into office, and bonded, would be in charge of all county roads and equipment, would keep an office at the court house, and make requisitions to the County Judge for all supplies and materials. Wherever possible the Road Districts would be co-extensive with the Civil Districts of the county. The County Supervisor would appoint a District Supervisor for each Road District. The District Supervisor would appoint a sectional road overseer. Overseers would be in charge of their road sections for terms of one year under the direct supervision of the District Supervisor. All tools, supplies, and equipment, must be strictly accounted for. The District Supervisor must work the compulsory six, 8 hour, days on the roads as everyone else, but would be paid \$2.50 per day for every one over that number to a maximum of ten days. A general road tax of from two to five cents, and a special road tax of from ten to thirty cents were authorized to be levied but would be used only for the purposes specified. Males between the ages of 21 and 50 must labor six days, of eight hours each, on the roads or pay \$1.50 for each one missed, with special provisions being made for the owners of wagons and teams to be used in road work. A general classification of roads into four classes plus the authority for the Quarterly Court to levy an annual privilege tax on wheeled vehicles were contained in the Act. After January 1, 1922, no toll gates would be permitted across any public road in the County. This Act was repealed by Private Acts of 1923, Chapter 13, Page 38.
  9. Private Acts of 1923, Chapter 71, Page 148, created a three member Board of Public Road Commissioners, one to come from each major division of the County, who would be elected by the County Court to serve initial staggered terms and then terms would be for three years each. The Commissioners, of whom none could be a Justice of the Peace, would select one of their members as Chairman, would take charge of all roads, bridges, and culverts in the County and disburse all road funds, at a salary of \$2 per day and mileage which could not exceed \$200 in one year. The Commission would meet in Cookeville at least once each month in an office at the County Court House, and would keep records of all transactions and accurate minutes of all meetings. At their first meeting subsequent to the passage of this Act, the Quarterly Court was required to classify all the county roads into one of four classes. The County Court would elect Overseers from the recommendations of the Road Commissioners, who would be in charge of all the roads, tools, road hands, and equipment to be used in that District. Overseers must work the compulsory days but would be paid \$2 per day for each day over that number. A general road tax of ten to twenty cents per \$100 could be levied by the Quarterly Court. All males between 21 and 50 years of age must work from 6 to 8 days of eight hours, as the court might direct, and at any place in the County when a proper three day notice were given. A privilege tax was imposed on various vehicles according to the schedule in the Act. This Act was repealed by Private Acts of 1925, Chapter 463, Page 1734.

10. Private Acts of 1925, Chapter 278, Page 990, created the position of County Road Supervisor in Putnam County. A three member committee would be appointed by the Quarterly Court at its next term after this Act who would serve for two years and be paid \$10 per year. This Committee would select the Road Supervisor at a salary between \$1,500 minimum and \$2,000 maximum each year, and report the same to the Quarterly Court for confirmation. The Supervisor must be at least 25 years of age, a competent road builder, and administrator, must devote full time to the job and provide his own transportation except for trips outside the County. The Supervisor would be sworn and bonded by the County Court Clerk would be in general charge of county roads and the road department, and work out of an office which the County must provide for him. The County Road Supervisor must appoint a District Road Supervisor for each Road District (same as Civil District) for two year terms beginning on the first Monday of January of each year following appointment. The District Supervisor would be in charge of the roads in the District, must complete his work in ten days, must work the required number of compulsory days but would be paid \$2 for each day over that number. In no event would the District Supervisor be paid unless all essential records had been filed by him. The Road Supervisor would promulgate all the regulations for the Department which would be enforced by the District Supervisors. Each section of road would be in the immediate charge of an overseer, appointed by the District Supervisor, and responsible for the tools, materials, and equipment used on that Section. No toll gates were to be allowed on any public road and all telephone poles could be removed, when necessary. The Quarterly Court could levy a general road tax of five to ten cents per \$100 property valuation, plus a special road tax of not less than ten, nor more than twenty-five cents to provide special road funds to be spent according to the outline contained in this law. All contracts had to be approved by the County Judge, or Chairman. Workhouse prisoners could be worked under the Road Supervisor and the County Judge but only under the conditions stipulated in the Act. Some basic traffic regulations were published herein for the violations of which one could be fined. Males between the ages of 21 and 50 were compelled to work five days of 8 hours each, or pay \$1.50 for each day missed. The County Attorney had the duty of prosecuting any violations of this law, and a new schedule of privilege taxes to be imposed in the county were included.
11. Private Acts of 1927, Chapter 221, Page 602, amended Private Acts of 1925, Chapter 278, by deleting all of Section 37 of the Act which directed a levy and collection of privilege taxes therein on vehicles and automobiles.
12. Private Acts of 1929, Chapter 838, Page 2453, amended Section 2, Private Acts of 1925, Chapter 278, by naming the Committee provided for in that Section the County Highway Commission, made the County Judge the ex-officio Chairman of the same who would have no vote on issues but who, with the County Road Supervisor, would be the County's agent when dealing with the State. The County Judge had the duty of keeping the records of the proceedings of the Commission, and, as Secretary thereof, would receive the quarterly reports from the Road Supervisor which would be recorded. For the additional duties assigned by him by this law, the County Judge would be paid \$600 a year. The Road Supervisor could not issue any warrants, or enter into any contracts without the approval of the County Judge.
13. Private Acts of 1933, Chapter 473, Page 1134, provided that the State Highway Department would have and exercise full control and direction over the expenditure of all funds received in Putnam County from the State for road purposes whether they arise from registration fees, gas taxes, or any other source. The Department would receive the funds directly, expend them, and make quarterly reports on the same to the County Judge.
14. Private Acts of 1941, Chapter 372, Page 1250, provided for a three member Highway Commission, composed of county residents, and named C.M. Stone, Clay Farmer, and Virgil Stamps, as the first Commissioners, who would serve as such until April, 1941, when their successors were to be elected by the Quarterly Court for staggered terms initially, and then for three year terms afterwards. All vacancies would be filled for the unexpired portion of that term. Commissioners would be paid \$200 each year, but would not be paid for any expenses except for trips outside the county, and then only upon their sworn and itemized statements. The Commission was allowed to choose a Chairman for one year intervals but the County Judge would serve as the Clerk for the Commission, at an annual salary of \$900, payable monthly. The Commission would hold regular quarterly meetings on the first Mondays in January, April, July and October. The Clerk would keep records of all transactions, and of all the tools, vehicles, equipment, and materials. All contracts would be made only pursuant to the directions of the Commissioners. The Commission had the authority to employ a competent, qualified person as the Road Supervisor, at a maximum salary of \$1,500 annually, who would be sworn and bonded, hired for only one year at a time, and who would be in immediate charge of the county's road system and department. The Commission was placed in charge of the Workhouse and the

prisoners. The Quarterly Court had the power to levy a general road tax of ten cents and a special road tax of five cents per \$100 property valuation. The Department however could not lawfully spend more than its annual budget. This Act was repealed by Private Acts of 1951, Chapter 609, Page 1841.

15. Private Acts of 1945, Chapter 115, Page 386, amended Private Acts of 1941, Chapter 372, to fix the annual salary of the Road Supervisor from \$1,500 to \$2,100, as determined by the Highway Commission. Section 10 was changed to give the Road Supervisor the authority to purchase gas, oil, tires, trucks, and other road equipment to be used under his direction and supervision with the approval of the County Purchasing Agent and the Supervisor could contract for supplies, materials, and equipment up to one year, with his purchases being binding on the Commission. This Act was repealed by Private Acts of 1951, Chapter 609, Page 1841.
16. Private Acts of 1951, Chapter 609, as amended by Private Acts of 1961, Chapter 166, Private Acts of 1965, Chapter 111, Private 1968, Chapter 364, Private Acts of 1974, Chapter 165, Private Acts of 1979, Chapter 126, and Private Acts of 1987, Chapter 48, created a county highway commission and the office of county road supervisor. The act also set forth the powers and duties of the highway commission and road supervisor. This act was repealed by Private Acts of 1989, Chapter 122.
17. Private Acts of 1973, Chapter 150, Page 518, would have amended Private Acts of 1951, Chapter 601, but this Act did not receive local approval and never became effective. The bond of the Road Supervisor would be governed by general law and his salary would be raised to \$12,000 per annum with a provision for cost of living increases. The salary of the bookkeeper was raised from \$375 to \$400 per month and could be increased to \$600 per month with the approval of the Quarterly County Court. The bookkeeper was made the secretary to the Commission.
18. Private Acts of 1974, Chapter 208, Page 158, was rejected by the Quarterly Court of Putnam County and consequently never took effect. A seven member County Road Commission was provided whose members were to be elected from the seven road districts, composed of whole Magisterial Districts, into which the County had been divided. Initial staggered terms were established after which the term of office would be four years. Compensation was \$25 per month for the Commissioners. Regular meetings would occur on the second Tuesday in each month and special meetings at the call of the Chairman on proper notice. The Commission must keep records and report quarterly to the Court. They could hire a road supervisor for one year at a time at a minimum \$12,000 annual salary and which could not exceed 90% of the salary of the county manager. Restrictions similar to those in prior laws were placed upon the Commission and the Supervisor concerning excessive expenditures beyond the budget and the use of county property and equipment for private purposes.
19. Private Acts of 1989, Chapter 40, would have repealed Private Acts of 1951, Chapter 609, as amended, but did not receive local government approval and therefore never became effective.

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