



May 21, 2024

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 1976 Chapter 270

SECTION 1. There is hereby created the office of Superintendent of Roads for Polk County. The qualifications shall be identical to those qualifications as set out in T.C.A. 54-1004.

SECTION 2. The Superintendent of Roads shall be elected in the August, 1976 General Election for a term of four (4) years and every four (4) years thereafter at the August General Election.

SECTION 3. The salary of the Superintendent of Roads for Polk County shall be equal to the salary of the County Court Clerk of Polk County and shall be paid in equal monthly installments from county highway funds.

SECTION 4. The Superintendent of Roads shall be the chief administrative officer of the County Roads. The chief administrative officer shall be the head of the county highway department and shall have the responsibility and authority, subject to the approval of the County Council, for all location, relocation, construction, reconstruction, repair and maintenance of the county road systems of his county, including bridges and ferries but not including roads and bridges under the supervision of the state department of highways.

SECTION 5. Before entering into the discharge of his duties, the chief administrative officer shall take and subscribe to an oath in writing before the County Court Clerk that he will perform with fidelity the duties of his office as chief administrative officer and shall enter into a bond of One Hundred Thousand Dollars (\$100,000.00).

SECTION 6. It shall be the duty of the Superintendent of Roads to employ a qualified secretary and other office personnel as required to handle all correspondence, maintain accurate records of receipts and expenditures, equipment, supplies, materials, maintenance performed, and other items necessary for the operation of the county highway department.

SECTION 7. The Superintendent of Roads is authorized to determine the total number of employees of the county highway department, to determine personnel policies and wages within the classifications. The compensation established by him should be in keeping with that paid for similar services in the county and surrounding area.

SECTION 8. The Superintendent of Roads shall have prepared and submit to the County Council of Polk County, and to the state rural roads division a five (5) year improvement program to be financed under the state rural road program and the federal aid secondary road program. This plan shall be revised and updated at the beginning of each succeeding fiscal year. The priorities for proposed improvements contained in the five (5) year program funded by state rural road and federal aid secondary funds shall be established based on traffic, functional classifications, and desirable levels of service necessary for schools, religious institutions, industry, recreational facilities and other major uses.

SECTION 9. The Superintendent of Roads shall have supervision and control over and shall be responsible for all the machinery, equipment, tools, supplies, and materials owned or used by the county in the construction, reconstruction, repair, and maintenance of the county roads and bridges. He shall make or cause to be made a complete inventory of all machinery, equipment, tools, supplies, and materials and file copies of the complete inventory with the county governing body, the comptroller of the treasury and the state rural roads division within sixty (60) days after taking office and thereafter a revised current inventory shall be submitted by September 1 of each year. All machinery, equipment, and tools shall be plainly marked as the property of the county road department and each item shall be numbered and the number entered on the inventory filed by the chief administrative officer. It shall be the duty of the county judge of the county to examine the inventories for compliance with this provision and upon his determination that the inventory does not comply with the requirements of this chapter, he shall cause to be withheld from the chief administrative officer any funds due him until the chief administrative officer complies with this provision.

SECTION 10. All funds received by any person for the county for road or highway purposes shall be promptly deposited with the county trustee and shall be expended only upon disbursement warrant drawn upon the trustee in accordance with law. Expenditures of funds for the operation of the county road department shall be made within the limits of the approved budget and the appropriations made for the department, in accordance with law.

SECTION 11. The Superintendent of Roads is authorized to remove or cause to be removed any fence, gate, or other obstruction from the roads, bridges and ditches of the county and to clean out and clear all fences and ditches along or adjacent to the county roads.

SECTION 12. The Superintendent of Roads shall not authorize nor knowingly permit the trucks or road equipment, the rock, crushed stone, or any other road materials to be used for any private use or for the use of any individual for private purposes and his failure to see that this provision is enforced shall be grounds for removal from office.

SECTION 13. Any employee of the county road department who shall use any truck or any other road equipment or any 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, nor any rock, crushed stone, or any road material shall be used to work private roads or for private purposes of owners thereof.

SECTION 14. Neither the Superintendent of Roads nor any other official or employee of the county may use any county vehicle, equipment, supplies or road materials for other than official county road purposes. Provided, however, that the county governing body shall have the authority to authorize the county road department to perform work for other governmental entities provided that the cost of the projects so authorized are to be reimbursed to the county road department.

SECTION 15. Neither the Superintendent of Roads, any member of the county governing body nor any employee of the county road department shall be financially interested in or have any personal interest, either directly or indirectly, in the purchase of any supplies, machinery, materials, or equipment for the department or system of roads for the county, nor in any firm, corporation, partnership, association or individual selling or furnishing such machinery, equipment, supplies, and materials.

SECTION 16. If a vacancy occurs in the office of Superintendent of Roads for Polk County, the County Council shall, at the next regular or special meeting name a successor to serve as Superintendent of Roads until the next general election, at which time a Superintendent of Roads shall be elected to a full term or to finish out the remaining term as the case may be.

SECTION 17. Private Acts of 1971, Chapter 114 is repealed provided, however, that nothing in this act shall be interpreted as abolishing the office of county road superintendent for Polk County prior to the expiration of the present incumbent's term of office.

SECTION 18. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Council of Polk County, Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the County Council of Polk County and certified by him to the Secretary of State.

SECTION 19. This act is declared severable in its construction, and if any section or provision of said act should be declared unconstitutional by a court of competent jurisdiction, the remaining sections or provisions will have full force and effect; it being the legislative intent that this Act would have been enacted without the inclusion of the unconstitutional provisions or sections thereof.

SECTION 20. For the purpose of approving or rejecting the provisions of this Act as provided in Section 18, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon approval as provided in Section 18.

Passed: March 18, 1976.

Highways and Roads - Historical Notes

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

1. Acts of 1853-54, Chapter 264, authorized Hiram Phillips of Polk County to build a bridge over the Conasauga River at Kennedy's old stand with the requirement that this bridge be constructed substantially above the high water mark.
2. Acts of 1859-60, Chapter 114, directed the County Court to classify public roads into three different classes and to assess a tax upon the property and polls of the county for the repair and upkeep on the county roads.
3. Private Acts of 1951, Chapter 416, was a general road law for Polk County, setting up the County Superintendent of Roads as the executive head of the Department of Roads. There was an attempt to amend this act by Private Acts of 1961, Chapter 211, which would have raised the salaries of both the Road Superintendent and his secretary; but this act was rejected by the Polk County Quarterly Court.
4. Private Acts of 1967-68, Chapter 88, was an attempt to create a new road law for Polk County,

which was amended by Private Acts of 1967-68, Chapter 166, to provide that voting machines should be used in the ratification referendum. This new road law was rejected by the Polk County voters and never became effective.

5. The Private Acts of 1969, Chapter 18, amended the Private Acts of 1951, Chapter 416, by adding to Section 7 that the superintendent of Roads be empowered to employ a secretary and that the position would pay \$3,000 per year.
6. Private Acts of 1971, Chapter 114, created the office of County Road Superintendent who was to receive a salary of \$7,800 per annum. This act was repealed by Private Acts of 1976, Chapter 270.

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