

**CALHOUN COUNTY RIGHT OF WAY,  
CULVERT AND DRIVEWAY ORDER**

Purpose

Regulate easements located outside the boundaries of incorporated cities provided for public use for roadways and drainage in Calhoun County, Texas, and to ensure the proper maintenance of the roadways and drainage on said easements.

Authority

Section 251.003 of the Texas Transportation Code states that the Commissioner's Court may make and enforce all necessary rules and order for the construction and maintenance of public roads.

Necessity

The Calhoun County Commissioner's Court finds that a necessity exists for the enactment of rules for the construction of culverts and driveways in Calhoun County, Texas. A problem has been created by various landowners building concrete driveways out into the county easements with long and difficult culverts for maintenance of drainage. This construction has made it difficult, if not impossible for Calhoun County to properly maintain the roads and drainage of the roads. The roads are asphalt and cannot be resurfaced without encountering obstructions of the concrete driveways. The culverts fill up with sand and debris and cannot be cleaned out and kept free for drainage.

Enforcement

Section 251.161 of the Texas Transportation Code makes it a violation for any person to violate this chapter of the code and makes each violation a Class C misdemeanor punishable by a fine of up to \$200.00. Each day is a separate violation. Any person who installs, owns or constructs a driveway or culvert in violation of these rules commits a violation.

Prior Order Overruled

On July 22, 2004 the Calhoun County Commissioner's Court entered an order approving Calhoun County Culvert Installation Policy as found in Volume 30 page 263. This order expressly overrules and replaces this prior order. The permit form on page 264 may still be used if a Commissioner wishes to do so.

Rules for Culverts and Driveways

1. A permit from Calhoun County is required for any culvert, driveway or other structure to be placed within a County right of way in Calhoun County, Texas. There will be no charge for this permit.

2. Culvert types and sizes must be approved by the County Commissioner prior to their placement. The County Commissioner or his agent or employee must inspect the site to make determination on the structure, culvert or driveway and its placement. Culverts cannot be less than 15 inches in diameter or less than 20 feet long. Culverts cannot be longer than 30 feet. Driveways cannot be less than 20 feet wide or greater than 30 feet wide. The culvert must be made of steel, concrete or plastic material strong enough to withstand the weight of any vehicle reasonably likely to cross the culvert including the weight of a fully loaded fire truck. Driveways located upon the county easement cannot be made of concrete but must be made of asphalt, limestone, aggregate, gravel or other flexible material to facilitate road and drainage maintenance on the County easement. In special circumstances the County Commissioner may waive the length or size requirements and allow for greater or lesser length or size of culverts and widths of driveways.
3. Calhoun County will not sell, set or deliver culverts for installation or use. All persons needing culverts must acquire them and have them delivered and installed on the site at their own expense after approval of the County Commissioner. All driveways will be constructed, installed and maintained by the private landowner.
4. Calhoun County is not responsible for the repair or maintenance of any culvert or driveway installed by a private landowner upon any county easement. Private landowners are to keep the culverts free from debris, dirt and material so as to provide drainage under their driveway. Calhoun County reserves the right to clean out, repair, remove or replace said culverts if the private landowner fails to maintain them.
5. All culverts must be covered with a minimum of two inches of flexible base material to adequately cover the culvert.

PASSED AND APPROVED on this the 24 day of July, 2008.

CALHOUN COUNTY COMMISSIONER'S COURT

By: Michael J Pfeifer  
Michael Pfeifer, County Judge

ATTEST:

Anita Fricke, County Clerk

By: Anita Fricke  
~~Wendy Marvin, Deputy Clerk~~