

IN THE COMMISSIONERS COURT  
OF  
GILLESPIE COUNTY, TEXAS

**REGULATIONS AND PROCEDURES AUTHORIZING PERMITS  
FOR CONSTRUCTION WITHIN THE PUBLIC ROAD RIGHT-OF-WAY**

WHEREAS, Texas Transportation Code sections §251.016 and §251.017 gives the commissioners court of a county general control over all roads, highways, and bridges in the county, and the authority to issue permits and to set reasonable fees related thereto; and

WHEREAS, construction within the Public Right-of-Way of County maintained roads may impact the integrity of the county roads and impact the public safety of vehicular traffic by creating physical obstructions or adverse conditions affecting the roadway, including drainage or maintenance; and

WHEREAS, as county population continues to increase, with a corresponding increase in the volume of traffic on county roads, it is essential that any construction within the public right-of-way, including driveway entrances and exits, be of adequate design, construction and maintenance, taking into account proper drainage and safety in conjunction with anticipated traffic upon the affected roadway, and the impact of such construction upon abutting properties so that ingress and egress may be made as safe as possible to the traveling public; and

WHEREAS, the Gillespie County Commissioners Court, in the interest of the health, safety and welfare of the residents of Gillespie County, desires to control construction within the Public Right-of-Way of County maintained roads in a reasonable manner; and

WHEREAS, the Gillespie County Commissioners Court desires to adopt permitting regulations and procedures as set forth herein.

NOW THEREFORE, BE IT ORDERED that any construction occurring within the Public Right-of-Way of a County maintained road shall require a permit issued by the Gillespie County Commissioners Court or its Authorized Agent.

BE IT FURTHER RESOLVED THAT the Gillespie County Commissioners Court hereby adopts the permitting regulations set forth herein and authorizes the County Commissioner/Engineer to enforce such regulations. It is to be understood that any reference to "the County Commissioner" or "the County Commissioner/Engineer" shall mean the County Commissioner with jurisdiction over the location of the improvement, project or work subject to these regulations and any permit issues pursuant to these Regulations and Procedures, or a Texas registered engineer employed or retained by the County to supervise such matters.

**Definitions**

- a. "Applicant" means any individual, corporation, partnership, limited partnership, joint venture or other legal entity applying for, acquiring or issued a Permit for the property for

which the proposed Private Improvements serve. This includes all successors, assignees, and future property owners.

b. "AASHTO" means the American Association of State Highway and Transportation Officials.

c. "Best Management Practices (BMPs)" means permanent treatment requirements, operating procedures, and practices to prevent or reduce the pollution of water in Gillespie County as required by a Texas Commission on Environmental Quality (TCEQ) approved Water Pollution Abatement Plan (WPAP) or Contributing Zone Plan (CZP).

d. "Bridge" means any structure that is elevated above a waterway or dry creek-bed that is maintained by the County, including any low water slab or low water crossing.

e. "Changes in Design" means any revision, alteration, or relocation in the design or the dimensions of the improvement in the Public Right-of-Way or across a County Road.

f. "Clear Zone" or "Shoulder" means the unobstructed, relatively flat area beyond the edge of the traveled portion of the roadway that allows a driver to stop safely or regain control of a vehicle that leaves the traveled way. The width of the Clear Zone shall be compliant with Table 3.1 from the AASHTO Roadside Design Guide, 4th Edition, as currently amended where such space is reasonably available.

g. "County Road Department" shall mean the precinct road maintenance personnel, headed by the County Commissioners Court, or the Precinct Commissioner, or an Engineer retained by the Commissioners Court to provide engineering expertise to the County Road Department.

h. "Commissioners Court" means the Commissioners Court of Gillespie County, Texas.

i. "County" means Gillespie County, Texas, a political subdivision of the State of Texas.

j. "County Road or Public Easements or Public Right-of-Way" means any right, title or interest in land acquired, claimed and maintained by Gillespie County, Texas, for vehicular and pedestrian transportation, road safety and road drainage.

k. "Culvert" means a pipe or structure, which provides waterway openings to conduct water for drainage purposes.

l. "Driveway" means an Improved surface (such as gravel, concrete or asphalt) used for access from the edge of a County Roadway to the Public Right-of-Way, Public Easement, or property line of private or public property.

m. "Fencing" means a private barrier or upright structure completely or partially enclosing an area of ground that is intended to mark a boundary and/or prevent pedestrian or vehicular access.

n. "Frontage" means the portion of the Public Right-of-Way or Public Easement lying between the two most distant possible lines drawn perpendicularly from the edge of pavement of the road to the Applicant's abutting property line. In the event that two or more adjoining Applicants agree to combine their property Frontage for a combined access facility, as authorized under the applicable regulations, the Frontage will then be the portion of the Public Right-of-Way lying between the two most distant possible lines of the combined Frontage drawn perpendicularly from the edge of pavement of the road to the Applicants' abutting property lines.

o. "Inspection Notice" means the document given to the Applicant after inspection by the County Commissioner/Engineer or his authorized agent determines that the Private Improvement is non-compliant with these Regulations and Procedures. The Inspection Notice will state the matter of non-compliance with these Regulations and Procedures.

p. "Irrigation" means the equipment utilized to artificially apply water to facilitate vegetative growth. Equipment includes, but is not limited to, spray heads, pipes, control wiring and drip Irrigation tubing.

q. "Permit to Construct" means the document given to the Applicant that allows the Applicant to start constructing his Private Improvements within the Public Right-of-Way.

r. "Person" means any individual, corporation, partnership, limited partnership, joint venture or other legal entity.

s. "PIPROW Permit" or Private Improvement in Public Right-of-Way means the document given to the Applicant after Inspection by the County Commissioner/Engineer or his authorized agent stating that the Private Improvement in Public Right-of-Way is compliant with these Regulations and Procedures. A PIPROW Permit serves as proof that the Applicant's Private Improvement within the Public Right-of-Way is permitted. The PIPROW Permit shall be transferred to the current owner of the property for which the proposed Private Improvement serves.

t. "Private Improvement" means any excavation, embankment, fill, vegetation, structure or object which is constructed on, placed in, added to, or removed from the Public Right-of-Way, including, but not limited to, driveways, pebbles or rocks, sidewalks, culverts, and earthwork.

u. "Radius" means the curved portion of the Driveway that allows vehicles to comfortably traverse from the Roadway within the Public Right-of-Way to the privately constructed Driveway.

v. "Roadway" means the portion of improved surface of the County or Public Easement or Public Right-of-Way used for travel by vehicular traffic which is usually constructed of concrete, asphalt, gravel, shell or other material providing a hard surface. The terms Roadway, County Road and road are interchangeable.

w. "Satisfactory Quality" means quality that a reasonable person would regard as satisfactory. In determining whether materials are of Satisfactory Quality, one should consider whether the materials are fit for the purposes for which it is being supplied, is compliant with the standard commonly used in the industry, is free from defects, is safe and durable. For the purposes of these Regulations and Procedures, Satisfactory Quality shall be determined by the Gillespie County Commissioner/Engineer or his authorized agent.

x. "Sidewalk" means an improved surface used for pedestrian traffic within the Public Right-of-Way or Public Easement.

y. "Start of Construction" means the commencement of any Private Improvement within the Public Right-of-Way or Public Easement.

z. "UR Permit" means a permit issue to any entity identified by Texas Statute as a public utility, common carrier or gas corporation or other organization or entity granted the use of the county road right-of-way for the placement of utility lines so identified.

#### **Instructions for Securing a Private Improvement within Public Right-of-Way Permit**

To secure a Private Improvement within Public Right-of-Way (PIPROW) Permit, the Applicant shall begin by filling out and submitting a Permit to Construct Application to the Gillespie County Commissioner/Engineer's Office along with a processing fee. The application form, attached hereto and incorporated herein by reference, will include the Applicant's name, address and telephone number, and the Applicant's signature agreeing to comply with the terms and conditions of the Permit to Construct. Once the PIPROW Permit to Construct Application has been received by the County, the Applicant must contact the County Commissioner to arrange to meet with the County Commissioner or his/her designee at the location of the proposed Private Improvement, at which time details of the PIPROW Permit to Construct Application will be finalized. During the meeting, the Permit to Construct Application will be completed with a brief description of the proposed work. After the field meeting, the County Commissioner or Engineer shall process the Permit to Construct Application. The Permit to Construct will not be issued until the County Commissioner, Engineer or his/her authorized agent affixes his signature to the Permit to Construct. Start of construction of the PIPROW shall not commence until the Permit to Construct has been issued by the County Commissioner, Engineer or designee.

#### **Fees**

Before a PIPROW or UR Permit to construct can be approved, the Applicant must pay a processing fee as set by the Commissioners Court for a Permit to Construct Application. The Fee is intended to defray the costs of administration and inspection, and may be adjusted periodically without further notice. The Fee for a PIPROW Permit or UR Permit is initially set at \$500.00 per construction site. This amount may be adjusted by the Commissioners Court with the adoption of each annual budget without amendment to these Regulations and Procedures. A

lower fee may be appropriate in some circumstances, and is subject to the provisions of this regulation regarding a variance,

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a. Applications. Applications for PIPROW Permits shall be made by the Applicant. Such Permits shall be only for the purpose of placing Private Improvements within the Public Right-of-Way, and shall not create an obstruction, hazard, nor cause an adverse impact to the defined drainage patterns within the Public Right-of-Way. Furthermore, the Private Improvement shall only be used for lawful purposes.

b. Reservations. The Gillespie County Commissioner/Engineer reserves the right to refer certain cases to the Gillespie County Commissioners Court for guidance on the issuance of a PIPROW Permit to Construct.

c. Materials. The Applicant shall furnish all materials necessary for the construction of the improvements authorized by the Permit to Construct. All materials shall be of Satisfactory Quality and shall be subject to inspection and approval of the County Commissioner, Engineer or his/her authorized agent.

d. Construction and Reconstruction. The Applicant shall construct all Private Improvements in conformance with these Regulations and Procedures.

e. Applicant shall notify the County Commissioner/Engineer when all permitted work is completed by the Applicant.

f. Within five (5) working days of receiving the notice of completion, the County shall inspect the Permitted Area to ascertain proper compliance with the terms of the Permit to Construct. The County Commissioner/Engineer or his authorized agent reserves the right to inspect these Private Improvements at the time of construction and at all times thereafter, and to require such changes, maintenance, and repairs as may at any time be considered necessary to provide protection of life and property on or adjacent to the road. The County reserves the right to remove any installation that does not comply with these Regulations and Procedures and assess charges necessary to cure the non-conforming structure to be incurred against the Applicant.

g. Upon inspection, the County Commissioner/Engineer or his authorized agent will issue a written Inspection Notice to notify Applicant of the manner of non-compliance, or a PIPROW Permit to notify the Applicant that the Private Improvement is compliant with these Regulations and Procedures and is permitted.

h. Within a reasonable amount of time, but no longer than five (5) working days, of receiving the Inspection Notice from the County, Applicant shall remedy or correct any and all non-compliant work as specified in the Inspection Notice.

i. If Applicant fails to comply with the conditions of the Inspection Notice, Applicant shall reimburse the County for any and all damages and costs (including but not limited to materials, labor, equipment, and overhead) the County incurs in bringing the Permitted Area into compliance.

j. If Applicant defaults on the terms and conditions of the Permit, Applicant shall be liable for all damages incurred by the County arising from the Applicant's default, as well as attorney's fees and all costs and fees arising out of suit to enforce the terms and conditions of the Permit.

k. Maintenance. Maintenance of improvements constructed hereunder shall be the responsibility of the Applicant, and the County reserves the right to require any changes, maintenance, removals or repairs as may be necessary to provide protection of life or property on or adjacent to the County Road. Also, the County reserves the right to remove any installation that does not comply with these Regulations and Procedures. The cost of maintenance and repairs of Private Improvements within the Public Right-of-Way shall be the responsibility of the Applicant. Maintenance of permitted improvements does not require a new PIPROW Permit to Construct.

l. Upon completion of the project, all equipment, construction material, surplus materials, trash, broken concrete, lumber, etc. shall be removed from the construction site at the Applicant's sole cost and expense.

m. Changes in Design. No Private Improvements in the Public Right-of-Way shall be relocated, its dimensions altered, or a change in surface without a duly executed PIPROW Permit from the County Commissioner/Engineer's Office. Applicant may only make changes in design through issuance of a new PIPROW Permit by the County.

n. Applicant expressly recognizes that the issuance of a PIPROW Permit by the County does not grant any right, claim, title, or Public Easement in or upon the County Road or its appurtenances. In the future, should the County, for any reason, need to work, improve, relocate, widen, increase, add to, decrease, or in any manner change the structure of the road or Public Right-of-Way, the permitted improvement, if affected, will be moved, or relocated at the complete expense of the Applicant.

o. Fencing will not be permitted within the Public Right-of-Way.

p. Private Improvements located in the Clear Zone must have a mountable slope or have an AASHTO approved breakaway support mechanism.

q. Irrigation shall only be permitted in a curbed roadway section behind the back of curb.

r. Indemnification. The Applicant shall indemnify and hold harmless the County and its duly appointed officers, agents and employees from all suits, actions, losses, damages, claims, or liability of any character, type, or description, including without limiting the generality of the foregoing, all expenses of litigation, court costs, and attorney's fees for

injury or death to any Person, or injury to any property, received or sustained by any Person or Persons or property, arising out of, or occasioned by, the acts of the Applicant, Applicant's officers, agents or employees in the execution of the Permit to Construct.

s. Any Private Improvement in the Public Right-of-Way that does not comply with these Regulations and Procedures may be subject to removal by Gillespie County with or without warning.

t. Grandfathering. Private Improvements constructed in the Public Right-of-Way without obtaining a PIPROW Permit may remain in place if the following conditions are met:

- (1) The Private Improvement was constructed prior to the date these Regulations and Procedures were executed;
- (2) The Private Improvement does not create or pose a safety hazard; and
- (3) The Private Improvement does not cause an obstruction to the established drainage path or line of sight in either direction.

### **Driveway Design**

A summary of the design requirements for access Driveways can be found in the attached "Driveway Detail Standard" which is incorporated by reference. The Driveway Detail Standard is based on Texas Department of Transportation specifications, and is intended as a general guide. Alternatives may be suggested, subject to approval by the Commissioner/Engineer, but shall contain, at a minimum, the following design requirements:

- 1) All parts of entrances and exits on County Road Public Right-of-Way, including the radii, should be confined within the Applicant's property Frontage.
- 2) Locations of access Driveway shall be selected to provide maximum safety for highway traffic and for users of the Driveway. If necessary, the County Commissioner/Engineer's Office may require the Applicant to submit a sight distance study and/or a drainage study for the desired location of an access Driveway. The sight distance study and/or drainage study shall be prepared by a registered professional engineer, at Applicant's sole cost and expense.
- 3) Radii for all access Driveways shall be no less than six (6) feet.
- 4) The end treatment for a culvert shall be 3:1. The culvert ends shall be encased in concrete with reflectors to designate the culvert and encasement.
- 5) Drainage in Roadway side ditches and on the Roadway shall not be altered or impeded. When drainage structures are required, size or opening and other design features shall be approved by the County Commissioner/Engineer or his authorized agent.

6) The Applicant shall assume full responsibility for notification, coordination and relocation of any utility facilities impacted by the proposed access.

7) Applicant shall assume full responsibility for the construction and maintenance of an approved storm water culvert of size and design conforming to the Gillespie County standards for the construction of streets and drainage in subdivisions.

8) Applicant must comply with requirements listed above as well as requirements shown on the "Driveway Detail Standard."

9) Unless the Applicant provides the County Commissioner/Engineer with a design and specifications prepared by a registered Texas engineer, any design approved by the County Commissioner/Engineer, or his authorized agent, will be based solely on field observations made during the on-site inspection, and such design will not be based on engineering principles. Therefore, any such driveway cannot be relied upon to provide adequate hydraulic capacity or conveyance, and Applicant assumes the risk of repair, renovation or replacement, if required.

### **Improvement Design**

a. All aspects of a proposed Improvement should be confined within the Applicant's property Frontage.

b. Locations of Improvements shall be selected to provide maximum safety for highway traffic and for users of the improvement. If necessary for traffic safety, the Commissioner/Engineer may require the Applicant to submit a sight distance study and/or drainage study for the desired improvement. The sight distance study and/or drainage study shall be prepared by a registered professional engineer, at Applicant's sole expense.

c. Drainage in Roadway side ditches and on the Roadway shall not be altered or impeded.

d. The Applicant shall assume full responsibility for notification, coordination, and relocation of utility facilities impacted by the proposed access.

e. Applicant shall assume full responsibility for construction and maintenance of the proposed improvement.

### **Mailboxes**

These Regulations and Procedures do not apply to the construction or placement of mailboxes, which are subject to federal regulations. However, the property owners are required to ensure that their mailboxes are in compliance with any and all local, state and federal regulations, and placement of the mailbox may not be permitted if the placement will pose a traffic safety hazard or impede maintenance of the county drainage easement.



## UTILITIES WITHIN THE PUBLIC RIGHT-OF-WAY

### Instructions for Securing a Utility Road Permit

To secure a Utility Road Right-of-Way (UR) Permit, the Applicant shall begin by filling out and submitting a Permit to Construct Application to the Gillespie County Commissioner/Engineer's Office along with a processing fee. The application form, attached hereto and incorporated herein by reference, will include the Applicant's name, address and telephone number, and the Applicant's signature agreeing to comply with the terms and conditions of the Permit to Construct. Once the UR Permit to Construct Application has been received by the County, the Applicant must contact the County Commissioner to arrange to meet with the County Commissioner or his/her designee at the location of the proposed UR Improvement, at which time details of the UR Permit to Construct Application will be finalized. During the meeting, the Permit to Construct Application will be completed with a brief description of the proposed work. After the field meeting, the County Commissioner or Engineer shall process the Permit to Construct Application. The Permit to construct will not be issued until the County Commissioner, Engineer or his/her authorized agent affixes his signature to the Permit to Construct. Start of construction of the UR shall not commence until the Permit to construct has been issued by the County Commissioner, Engineer or designee.

Any and all Definitions under these Regulations and Procedures are incorporated herein, and in addition, the following definitions are provided regarding utilities within the public right-of-way

- a. "Backfill" means filled in such a manner that the compacted density is equal to or greater than that of the surrounding undisturbed soil.
- b. "Bar Ditch Lines" mean the flow line of the ditches that run parallel to a County maintained road.
- c. "Casing" means a secondary pipe (minimum of ATSM (American Society for Testing and Materials) schedule 40) that encases the utility line for the purpose of protection.
- d. "Opened" means cut, dug out, trenched, bored, jacked or in any other condition which is potentially unsafe for vehicular use.
- e. "Permitted Area" means the portion of the road or Public Right-of-Way in which a Utility Road Permit (UR) or a Private Improvement in Public Right-of-Way Permit (PIPROW) has been approved and outlined through the issuance of a Utility Road or Private Improvement in Public Right-of-Way Permit.
- f. "Property Compacted" means the Backfill shall be placed in uniform layers not to exceed ten (10) inches in depth (un-compacted measurement), and each layer shall be compacted to not less than ninety-five percent (95%) of maximum density at optimum moisture content. Dry Backfill material shall be wetted uniformly and shall be compacted by means of mechanical rammers, except that the use of compaction equipment of the

type generally used in compacted embankments will be permitted on those portions that are accessible to such equipment.

g. "Roadway Surface" means the top layer of the Roadway, typically asphalt or gravel.

h. "Suitable Base Material" means aggregates, such as sand, gravel, crushed stone, slag, or flowable backfill (TxDOT Specification Item 401). Caliche is not a Suitable Base Material. Base Material shall be free from all objectionable and foreign objects.

i. "Utility Improvement" means any pipeline, main, conduit, cable, utility line, pole line, sewer line, water line, outfall pipe, or any other structure other than a culvert. Utility Improvements shall not include any improvement that permanently affects, impacts, or alters the Roadway Surface (i.e., railroad crossings, bridges, golf paths). Any such improvement that affects, impacts, or alters the Roadway Surface shall be handled by the County on a case-by-case determination.

j. "UR Permit" means the document given to the Applicant after inspection by the County Commissioner/Engineer or his authorized agent stating that the Utility Improvement is compliant with these Regulations and Procedures. A UR Permit serves as proof that the Applicant's Utility Improvement within the Public Right-of-Way is permitted. The UR Permit shall be transferred to the current owner of the property for which the proposed Private Improvement serves.

k. "Vegetative Clearing" means any clearing of trees, shrubs, bushes, etc. necessary to support the placement or relocation of a Utility Improvement within the Public Right-of-Way. It is the responsibility of the Applicant to dispose of any vegetative clearing generated in the placement or relocation of a Utility Improvement.

### **Instructions for Securing a Utility Road Permit**

Any public utility authorized by statute to place a utility line in the county road right-of-way shall apply for a UR Permit, and to the extent authorized by statute, this permit is intended to ensure the rights of Gillespie County to identify the most convenient location and depth for such utility shall be honored. A UR Permit shall be required for Utility Improvements crossing a County Road, parallel to a County Road or in the Public Right-of-Way. Any parallel route must comply with Section 111.020 (b)(4) Texas Natural Resources Code. To secure a Utility Road (UR) Permit, the Applicant shall submit a Permit to Construct Application to the Gillespie County Commissioner/Engineer's Office along with a processing fee, where permitted by law. The application will include the Applicant's name, address and telephone number, and the Applicant's signature agreeing to comply with the terms and conditions of the Permit.

Once the UR Permit Application has been received, the Applicant will contact the County Commissioner/Engineer or his authorized agent to arrange to meet with the County Commissioner/Engineer or his authorized agent at the location of the proposed UR, at which time details of the UR Permit will be finalized. The Permit to Construct will not be issued until the County Commissioner/Engineer or his authorized agent affixes his signature to the Permit to

Construct. Start of construction of the Utility Improvement shall not commence until the Permit to Construct has been issued by the County Commissioner/Engineer.

### **Road Crossing Conditions**

a. Applicant shall lay all Utility Improvements at least twenty-four (24) inches below the barrow ditch bottom or roadway surface, and in cases involving gas or water lines, at least thirty-six (36) inches below the barrow ditch bottom or roadway surface.

b. Applicant shall comply with the design factor requirements contained in 49 C.F.R. §192.1 et seq, and where required, place all Utility Improvements, crossing under the road, in casing. Where design factors of a crossing warrant, uncased crossings underneath a roadway may be permitted upon proper documentation that the design factor requirement of said statute are met.

c. Applicant shall Backfill and stabilize, within forty-eight (48) hours of completing the permitted activity, all trenches, holes and cuts with a Suitable Base Material and asphalt surface, when applicable, with each material being Properly Compacted.

d. Applicant shall place barricades to protect the public, and notify Gillespie County Commissioner/Engineer's Office at the time the Permitted Area is opened. Applicant will furnish and maintain all required traffic control devices, including flagmen, when necessary, as directed by the Texas Manual on Uniform Traffic Control Devices ("MUTCD"), to properly warn, guide, and control traffic thru or around the construction area at all times during construction.

e. Applicant shall not obstruct more than one-half of the Roadway at a time, in order to maintain the flow of traffic at all times. However, in an emergency, or with the permission of the County Commissioner/Engineer, or his authorized agent, the total width of the Roadway may be obstructed, provided proper traffic control devices are utilized according to the MUTCD for the health, safety and welfare of the public. Total obstruction of the roadway shall be limited to the fullest extent possible, and only when an alternate route is reasonably available. Should no alternate route be available, the Applicant shall inform the County Commissioner/Engineer at least two working days in advance of any closure of the road, and provide proper safety warning signs and any law enforcement personnel necessary to safely close the road at both ends prior to closure.

f. Upon completion of the project, all equipment, construction material, surplus materials, trash, broken concrete, lumber, etc. shall be removed from the construction site. The entire construction site shall be graded and cleaned to present the appearance as it was prior to construction, or better at the Applicant's sole cost and expense.

g. Applicant shall notify the County Commissioner/Engineer, or his authorized agent, in when all work is completed.

h. Within five (5) working days of receiving the notice of completion, the County will inspect the Permitted Area to ascertain proper compliance with the terms of these Regulations and Procedures.

i. Upon inspection, the County will issue a written Inspection Notice to notify the Applicant of the manner of non-compliance or a UR Permit to notify the Applicant that the Utility Improvement is compliant with these Regulations and Procedures and permitted. The UR Permit will be posted on the County Commissioner/Engineer's Office website at [www.gillespiecounty.org](http://www.gillespiecounty.org).

j. A summary of the design recommendations for Utility Road Permits can be found in the publication "Use of Right-of-Way by Others Manual", Texas Department of Transportation, revised October 2018, which is incorporated by reference.

k. Within a reasonable amount of time, but no longer than five (5) working days, of receiving the Inspection Notice from the County, Applicant shall remedy or correct any and all non-compliant work as specified in the Inspection Notice at Applicant's sole cost and expense.

l. If Applicant fails to comply with the conditions of the Inspection Notice, Applicant shall reimburse the County for any and all damages and costs (including but not limited to materials, labor, equipment, and overhead) the County incurs in fixing the Permitted Area to the County's standards.

m. If Applicant defaults on the terms and conditions of the UR Permit, Applicant shall be liable for all damages incurred by the County arising from the Applicant's default, as well as attorney's fees and all costs and fees arising out of suit to enforce the terms and conditions of any permit issued pursuant to these Regulations and Procedures.

n. The Applicant shall indemnify and hold harmless the County and its duly appointed officers, agents and employees from all suits, actions, losses, damages, claims, or liability of any character, type, or description, including without limiting the generality of the foregoing, all expenses of litigation, court costs, and attorney's fees for injury or death to any Person, or injury to any property, received or sustained by any Person or Persons or property, arising out of, or occasioned by, the acts of the Applicant, Applicant's officers, agents or employees in the execution of any Permit issued pursuant to these Regulations and Procedures.

### **GENERAL INFORMATION**

"County or District Attorney" means the County or District Attorney of Gillespie County, Texas, or any employee authorized by said County or District Attorney to act on his or her behalf. The Commissioners Court retains the discretion to employ outside counsel, where in the judgment of the Commissioners Court, such outside counsel may possess experience or expertise deemed suitable for representation of the County.

"Variance" means any variation, exception, or change in the manner by which any provision in these Regulations and Procedures is enforced or applied to a particular circumstance.

### **Enforcement**

If any Person violates any provision of these Regulations and Procedures, the County Commissioner/Engineer will attempt to obtain compliance with these Regulations and Procedures by any and all lawful means. In the event the County Commissioner/Engineer is unable to obtain voluntary compliance, the County Commissioner/Engineer may pursue any of the following remedies:

(a) Report to the Commissioners Court and the Court may pursue Civil Remedies:

(1) If any Person engages in the construction or repair of a Private Improvement within the Public Right-of-Way or utility crossing a County Road, Public Easement or Public Right-of-Way without a Permit, the Commissioners Court may request that the County or District Attorney to file suit to enjoin the violation of these Regulations and Procedures.

(2) If any Person engages in the construction or repair of a Private Improvement within the Public Right-of-Way or utility crossing a County Road, Public Easement or Public Right-of-Way in any manner except as specified in the Permit issued therefore by the County Commissioner/Engineer, the Commissioners Court may request that the County or District Attorney, or retained legal counsel to file suit to enjoin the violation of these Regulations and Procedures.

(3) If any Person engages in the construction or repair of a Private Improvement within the Public Right-of-Way or utility crossing a County Road, Public Easement or Public Right-of-Way without a Permit, or if any Person engages in the construction or repair of a Private Improvement within the Public Right-of-Way or utility crossing a County Road, Public Easement or Public Right-of-Way in any manner except as specified in the Permit issued therefore by the County Commissioner/Engineer, the Commissioners Court may order the Applicant to remove or bring into compliance the Private Improvement within the Public Right-of-Way or utility crossing a County Road, Public Easement or Public Right-of-Way at the Applicant's sole cost and expense.

(b) Report to the Commissioners Court and the Court may pursue Contempt Proceedings:

(1) Any Applicant under these Regulations and Procedures must certify to Commissioners Court that the terms, provisions and conditions of the Permit will be complied with. Violation of this certification constitutes contempt of Commissioners Court.

(2) If the Commissioners Court finds a Person to be guilty of contempt, it may enter such orders consistent with general law as it deems appropriate to punish the Person guilty of contempt, and may enter such order and further orders enforceable by civil and criminal contempt, and consistent with its authority under general law, as Commissioners Court

deems necessary to enforce and protect its jurisdiction over the matter and to uphold the integrity of these Regulations and Procedures.

(3) The procedure for contempt proceedings before Commissioners Court will be consistent with procedures in actions before other courts in this state for enforcement of court orders, and for the protection of the jurisdiction of courts by process of contempt. Provided, however, that the Person shall be given ten (10) calendar days' notice of said contempt proceedings.

(4) The Commissioners Court shall punish contempt by fine not to exceed twenty-five dollars (\$25) or by imprisonment not to exceed twenty-four (24) hours, and in case of fine, the Applicant may be held in custody until the fine is paid, as set forth in Texas Local Government Code §81.023.

### **Notices**

Any notice or other communication required or permitted hereunder shall be in writing, addressed to the individual and address provided in the application, and shall be deemed to have been duly given on the date of service if served personally, or three (3) working days after the date of mailing if mailed, by first class mail, registered or certified, postage prepaid and addressed as follows:

Notice to the County may be accomplished by mail, addressed to the County Judge, 101 W. Main, Unit #9, Fredericksburg, Texas 78624

Written notices may also be faxed to the County Commissioner/Engineer's Office, 830-992-2608.

### **Appeal**

An appeal for denial of a Permit will be considered on the following basis and only after good and sufficient cause has been stated by the Applicant for an appeal. The sufficiency of the stated basis for an appeal will be determined by the Commissioners Court:

a. Upon denial of a Permit to Construct, the Applicant may appeal the County Commissioner/Engineer's decision to the Commissioners Court by stating and submitting his reasons in writing to the County Commissioner/Engineer and within ten (10) working days of the denial of said Permit.

b. The County Commissioner/Engineer shall review the appeal and within fifteen (15) working days of receipt of the said appeal, shall reduce his findings to writing and submit his findings and recommendation to Commissioners Court. The Applicant shall be provided with a copy of the County Commissioner/Engineer's recommendations and may appear before Commissioners Court to support his appeal.

c. The decision of the Commissioners Court is final.

## **Variance Request**

Any and all requests for Variance from these Regulations and Procedures must be approved by the Commissioners Court.

- a. The Applicant may request a variance by stating and submitting his reasons, in writing, to the County Commissioner/Engineer.
- b. The County Commissioner/Engineer shall review the variance request and shall reduce his findings to writing and submit his findings and recommendation to Commissioners Court. The Applicant shall be provided with a copy of the County Commissioner/Engineer's recommendations and may appear before Commissioners Court to support his variance request.

## **Termination Date**

Permits issued under these Regulations and Procedures authorize construction for a period not to exceed one-hundred and eighty (180) calendar days. If work is not completed and approved within the one hundred and eighty (180) calendar day time period, Applicant shall be required to apply for a new Permit. If Applicant renews a Permit prior to the expiration of the one hundred and eighty (180) calendar days, no new fees will be assessed. If the Permit expires, an Applicant shall apply for a new permit and pay all applicable fees.

## **Records**

All applications and file copies of Permits issued pursuant to these Regulations and Procedures shall be maintained by the County Commissioner/Engineer as part of the records of his office. Disposition of such records will be in accordance with the Standard Operating Procedures of the County Commissioner/Engineer's Office.

## **Disclaimer of Warranties**

GILLESPIE COUNTY HEREBY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY, USEFULNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT.

In no way does Gillespie County's issuance of a Permit, under these Regulations and Procedures, constitute an endorsement or warranty of the Applicant or the quality of the Applicant, Applicant's officer, agent or employee's workmanship.

## **Indemnification**

The Applicant shall indemnify and hold harmless the County of Gillespie and its duly appointed officers, agents and employees from all suits, actions, losses, damages, claims, or liability of any character, type, or description, including without limiting the generality of the foregoing, all

expenses of litigation, court costs, and attorney's fees for injury or death to any Person, or injury to any property, received or sustained by any Person or Persons or property, arising out of, or occasioned by, the acts of the Applicant, Applicant's officers, agents or employees in the execution of any Permit issued pursuant to these Regulations and Procedures.

### **Release of Liability**

Gillespie County, its officers, employees and agents shall, at no time, be held liable for any damage or injury done to the property of the Applicant whether in contract or in tort, which may result from improving and/or maintaining County Road or Public Right-of-Way.

### **Effective Date**

These Regulations and Procedures shall become effective upon adoption by Commissioners Court and shall remain in full force and effect until amended or repealed by the Commissioners Court.

### **Severability**

The provisions of these Regulations and Procedures are severable. If any word, phrase, clause, sentence, section, provision, or part of these Regulations and Procedures should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the Commissioners Court that these Regulations and Procedures would have been adopted as to the remaining portions, regardless of the invalidity of any part.

### **Headings**

The headings of sections of these Regulations and Procedures are for convenience of reference only and shall not affect in any manner any of the terms and conditions herein.

### **Gender or Pronouns**

Whenever the context hereof shall so require the singular shall include the plural, the male gender shall include the female gender and the neuter, and vice versa.

Approved this 7<sup>th</sup> day of December, 2019.

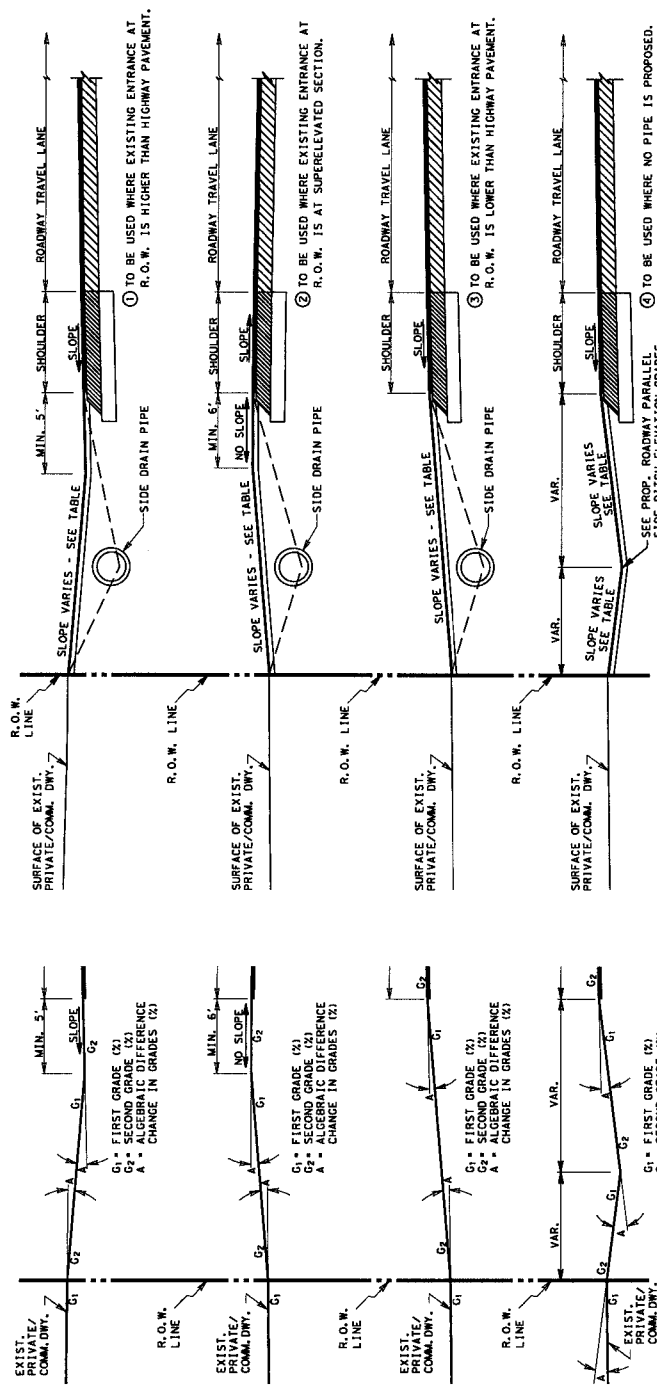
  
County Judge, Gillespie County, Texas

Attest:

  
County Clerk, Gillespie County, Texas

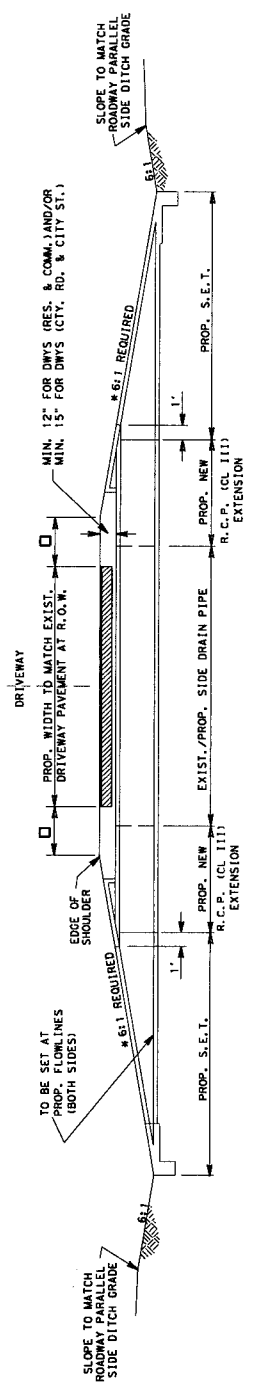






**TYPICAL ENTRANCE PROFILE FOR DRIVEWAYS W/OUT C&G**

PROPOSED DRIVEWAY SLOPE TABLE	PROP. DRY ALGEBRAIC DIFFERENCE TABLE
COMMERCIAL DRIVEWAYS • 12:1 MAX.	COMMERCIAL DRIVEWAYS • 1' - 6" MAX.
RESIDENTIAL DRIVEWAYS • 6:1 MAX.	RESIDENTIAL DRIVEWAYS • 6' - 6" MAX.



- - 1' MIN. ON DRIVEWAYS (RES. & COMM.)
- - 2' MIN. ON DRIVEWAYS (COUNTY RD. & CITY ST.)
- \* - 6:1 SLOPE REQUIRED

**NOTES:**

ALL ENTRANCES CONSTRUCTED ON THIS PROJECT ARE SUBJECT TO CONCURRENCE WITH EXISTING GOVERNING REGULATIONS AS SET OUT BY THE STATE - TEXAS TRANSPORTATION COMMISSION. ENTRANCE'S BASE AND SURFACING MAY BE EXTENDED BEYOND R.O.W. LINE AS REQUIRED TO MEET EXISTING DRIVEWAY GRADE IN A SATISFACTORY MANNER OF WHICH NO STEEPER THAN 12:1 FOR COMMERCIAL DRIVEWAY AND 6:1 FOR RESIDENTIAL DRIVEWAY SLOPE WILL BE CONSTRUCTED.

ALL FLEXIBLE BASE USED FOR PRIVATE DRIVES & COMMERCIAL DRIVES WILL NOT REQUIRE LIME TREATMENT.

EXACT LOCATIONS, DIMENSIONS, AND TYPE TO BE ESTABLISHED DURING CONSTRUCTION BY THE ENGINEER.

PROP. WIDTH OF DRIVEWAYS TO MATCH EXISTING WIDTH AT R.O.W. LINE.

114 #/SY ACP (COMPACTED) IS EQUAL TO 1 IN. DEPTH, 171 #/SY ACP (COMPACTED) IS EQUAL TO 1/2 IN. DEPTH.

SIDE DRAIN PIPES TO BE INSTALLED WHERE ROADWAY DITCH DRAINAGE IS NECESSARY, AS INDICATED ON PLANS AND/OR AS DIRECTED BY THE ENGINEER.

SIDE DRAIN PIPES TO BE INSTALLED WITH A MINIMUM OF 12" COVER OVER THE PIPE WITH PROPOSED COUNTY ROAD & CITY STREET ROADWAY MATERIAL.

AVERAGE DRIVEWAY DIMENSIONS SHOWN ON TABLE OF DRIVEWAYS (ELSEWHERE IN PLANS) ARE FOR ESTIMATING PURPOSES ONLY. DIMENSIONAL DRIVEWAY DIMENSIONS MAY BE CHANGED BY THE ENGINEER BASED ON EXISTING FIELD CONDITIONS.

THE RATE OF PRIME COAT SHALL BE 0.10 GAL/SY FOR PRIVATE AND/OR COMMERCIAL DRIVEWAYS AND 0.20 GAL/SY FOR PUBLIC DRIVEWAYS (COUNTY ROADS AND/OR CITY STREETS).

TYPICALLY A CHANGE IN GRADE OF THREE PERCENT (3%) OR LESS AND A DISTANCE BETWEEN CHANGES IN GRADE OF AT LEAST ELEVATION FEET (11') ACCOMMODATES MOST VEHICLES. HOWEVER, LITERATURE SUGGESTS THAT A SIX PERCENT (6%) TO EIGHT PERCENT (8%) CHANGE IN GRADE MAY OPERATE EFFECTIVELY. INDIVIDUAL SITE CONDITIONS SHOULD BE EVALUATED TO ACCOMMODATE THE VEHICLE FLEET USING THE DRIVEWAY.

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PHUR DISTRICT STANDARD

**TEXAS DEPARTMENT OF TRANSPORTATION**

**DRIVEWAY PROFILE DETAILS**

REV. 1/17

STATE PROJECT NO.	FILE NO.
STATE DISTRICT NO.	COUNTY
SECTION	SHEET
DATE	DATE
DESIGNED BY	CHECKED BY
DRAWN BY	DRIVEWAY1.DGN



**IN THE COMMISSIONERS COURT  
OF  
GILLESPIE COUNTY, TEXAS**


BE IT REMEMBERED, that on the 2nd day of December, 2019, came on for consideration the adoption of the Gillespie County Regulations and Procedures Authorizing Permits for Construction within the Public Road Right-of-Way of County Maintained Roads, and approval of associated permit procedures and permit forms pursuant to the authority granted to this Commissioners Court by §251.016 and 251.017 of the Texas Transportation Code.

After review of the draft regulations and procedures, and associated permit procedures and permit forms, and upon the motion of Commissioner Meffendorf, with a second by Commissioner Olfers, the Commissioners Court voted by a vote of 5 in favor and 0 opposed, hereby adopts the said Gillespie County Regulations and Procedures Authorizing Permits for Construction within the Public Road Right-of-Way of County Maintained Roads, and approval of associated permit procedures and permit forms, as laid out in full and attached to this Order.

IT IS THEREFORE ADJUDGED AND DECREED that the Commissioners Court of Gillespie County hereby adopts these Regulations and Procedures Authorizing Permits for Construction within the Public Road Right-of-Ways of County Maintained Roads and associated permit procedures and permit forms.

IT IS FURTHER ORDERED that the adopted Regulations shall be filed of record, along with the Permit Procedures and Permit Forms and shall be effective this date.

Date:12/2/19

  
County Judge

Attest:

  
County Clerk

