

# SPECIAL SECTION: ROAD & BRIDGE

## The Basics

A county road is a public road that has been accepted for maintenance by the Commissioners Court pursuant to the standards set by the Commissioners Court. These roads are located in the *unincorporated* areas of the county.

There are many roads within the county that are *not* county-maintained roads including:

- private roads constructed in private subdivisions, maintained by the private residents/homeowners association;
- interstate highways, U.S. highways, state highways, farm-to-market roads, spurs, and park roads maintained by the Texas Department of Transportation;

- roads within an established subdivision that have not been accepted for maintenance, therefore are still the responsibility of the developer; and
- roads within the *incorporated* limits of cities, villages, towns or other entities, maintained by those entities.

With regard to the authority of the Commissioners Court, Bob Bass, attorney with Allison, Bass & Magee, LLP, cites the Transportation Code and the Local Government Code.

According to Chapter 251 of the Transportation Code, the Commissioners Court may make and enforce all reasonable and necessary rules and orders for the construction and maintenance of public roads and hire the labor and purchase the machinery and equipment needed to construct and maintain public roads.

Article 16, Section 24 of the *Texas Constitution*, together with Chapters 251, 258 and 281 of the Texas Transportation Code, allow the County Commissioners Court to lay out and establish, change, and discontinue public roads and highways, and to exercise general control over all roads, highways, ferries, and bridges in their counties.

Road statutes and legal opinions offer additional guidelines delineating authority *and* limitations:

- An individual County Commissioner has no authority to establish a county road.
- Roads should be classified as 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> class roads.
- The Commissioners Court may establish or change the status of a county road.
- The county cannot maintain a private road.
- County labor, materials, and equipment cannot be used on private property. (Note that by way of Article 3, Section 52f of the *Texas Constitution*, counties with a population under 7,500 may perform work on private roads for a fee, with all proceeds to support county road maintenance.)

COUNTY OF \_\_\_\_\_ §  
 PRECINCT NO. \_\_\_\_\_ §

### ANNUAL ROAD REPORT

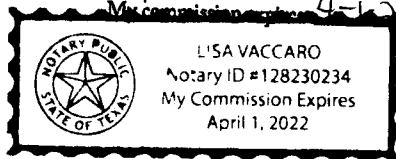
1. Condition of each road, culvert and bridge in the precinct and the primary cause of any road, culvert or bridge degradation:  
DAMAGE TO ROADS - Flooding - OVERLOADING & TRAFFIC ON BRIDGES -
2. Amount of money necessary for maintenance of the precinct roads during the next fiscal year:  
1,840,000 -
3. Number of traffic control devices in the precinct defaced or torn down: 47
4. Any new road that should be opened in the precinct: NONE
5. Any bridges, culverts or other improvements necessary to place the precinct roads in good condition, and the probable cost of the improvements: 1 BRIDGE & UPGRADES ON ROADS - FOR DR. & PACKING

Submitted by the undersigned on this 12<sup>th</sup> day of September

[Signature]  
 Commissioner, Precinct 1

Subscribed and sworn to, before me, the undersigned authority, this 18<sup>th</sup> day of September 2018

LISA VACCARO  
 Notary Public



[File in minutes and submit to grand jury with a copy of any road work contracts for past year during ninth month of county fiscal year - Section 251.005, Transportation Code]

Sample form provided by Allison, Bass & Magee, LLP

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COUNTY OF Montague §  
 PRECINCT NO. 2 §

### ANNUAL ROAD REPORT

1. Condition of each road, culvert and bridge in the precinct and the primary cause of any road, culvert or bridge degradation: Fair - Good
2. Amount of money necessary for maintenance of the precinct roads during the next fiscal year: 2,000,000
3. Number of traffic control devices in the precinct defaced or torn down: 100
4. Any new road that should be opened in the precinct: NO
5. Any bridges, culverts or other improvements necessary to place the precinct roads in good condition, and the probable cost of the improvements: 10 TRAILERS  
400,000

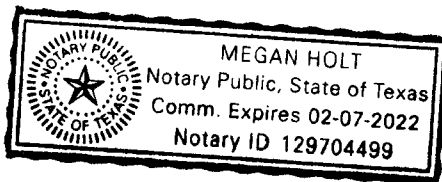
Submitted by the undersigned on this 17 day of Sept

[Signature]  
 Commissioner, Precinct 2

Subscribed and sworn to, before me, the undersigned authority, this 18<sup>th</sup> day of September

[Signature]  
 Notary Public

My commission expires: 2022



[File in minutes and submit to grand jury with a copy of any road work contracts for past year during ninth month of county fiscal year - Section 251.005, Transportation Code]

Sample form provided by Allison, Bass & Magee, LLP

County of Montague

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Precinct No. 3

ANNUAL ROAD REPORT

1. Condition of each road, culvert, and bridge in the precinct:

Most Roads Are Fair with Some Reaching the  
Point of needing total Restoration - others Have  
Been Rebuilt per State Reimbursements.

2. Amount of money necessary for maintenance of the precinct roads during the next fiscal year: 2,200,000.00

3. Number of traffic control devices in the precinct defaced or torn down: 37

4. Any new road that should be opened in the precinct: None

5. Any bridges, culverts or other improvements necessary to place the precinct roads in good condition, and the probable cost of the improvements: 3-Bridges

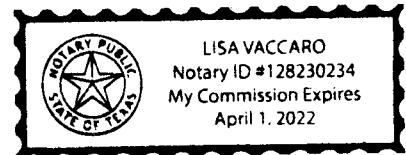
Submitted by the undersigned on this the 17 day of September, 2018.

[Signature]  
Commissioner Pct. # 3

Subscribed and sworn to, before me, the undersigned authority, this 17<sup>th</sup> day of September, 2018.

Lisa Vaccaro  
Notary Public

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2018

County of Montague

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Precinct No. 4

**ANNUAL ROAD REPORT**

1. Condition of each road, culvert, and bridge in the precinct:

Over Weight Truck Traffic is the Primary Cause of any Degradation of our County roads, bridges and culverts.

2. Amount of money necessary for maintenance of the precinct roads during the next fiscal year: \$1,407,775<sup>00</sup>

3. Number of traffic control devices in the precinct defaced or torn down: 60

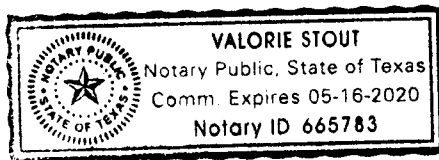
4. Any new road that should be opened in the precinct: None

5. Any bridges, culverts or other improvements necessary to place the precinct roads in good condition, and the probable cost of the improvements: 2 525,000<sup>00</sup>

Submitted by the undersigned on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signature]  
Commissioner Pct. # 4

Subscribed and sworn to, before me, the undersigned authority, this 19<sup>th</sup> day of September, 2018.



[Signature]  
Notary Public

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