

Henderson County, Texas



ESTABLISHMENT OF POLICY AND SPECIFICATIONS FOR THE SETTING OF DRIVEWAY CULVERTS ON COUNTY ROAD RIGHTS-OF-WAY

WHEREAS, §251.003 of the Texas Transportation Code grants the Henderson County Commissioners Court the authority to make and enforce all necessary rules and orders for the construction and maintenance of public roads; and

WHEREAS, §251.016 of the Texas Transportation Code grants the Henderson County Commissioners Court may exercise general control over all roads, highways, and bridges in the county; and

WHEREAS, §254.006 (c) of the Texas Transportation Code states a culvert must be of sufficient size to allow water to flow, at its natural rate at its normal peak level, from the side of the road where the road intersects with the natural channel to the natural channel at the other side of the road; and

WHEREAS, §121.003 of the Texas Health & Safety Code grants the commissioners court the authority to enforce any law that is reasonably necessary to protect the public health and safety.

IT IS THEREFORE ORDERED THAT, the following policies are adopted:

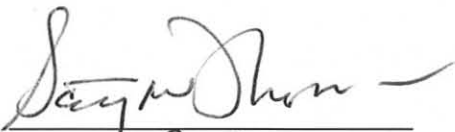
- a) A culvert must be of sufficient size to allow water to flow, at its natural rate at its normal peak level, from one side of the driveway to the other;
- b) Driveway culvert pipes shall be a minimum size of fifteen (15) inches in diameter, but may need to be larger depending on the natural flow at the location in question. It is recommended that the property owner contact the Henderson County Road & Bridge Precinct Commissioner to receive a recommendation on appropriate culvert diameter size in any case where it appears that a fifteen (15) inch culvert will not be sufficient to allow for necessary water flow;

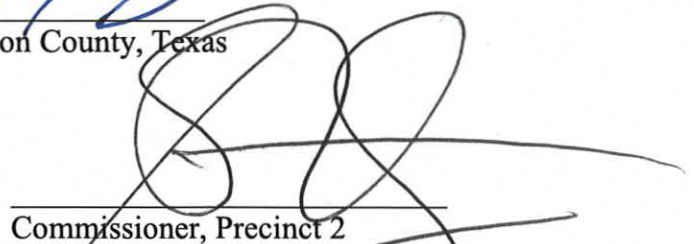
- c) The Henderson County Road & Bridge Precincts' cannot set culverts in rights-of-way for State roads or on private roads.
- d) For residential property, driveway culvert pipes shall be a minimum of twenty (20) feet in length and not more than forty (40) feet in length;
- e) For commercial property, driveway culvert pipes shall be a minimum of thirty (30) feet in length and not more than sixty (60) feet in length;
- f) Driveway culverts shall be designed to carry a ten-year storm, with the headwater depth not exceeding a height equal to the diameter of the pipe;
- g) The property owner shall be responsible for purchase costs (approved culvert pipe) of the new culvert installations. Note: the Commissioner's Office has discretion over type of culvert used (old, new, plastic, metal or concrete). Henderson County will only provide one (1) initial new installation labor of setting the culvert, back fill with base material and covering with gravel or any other aggregate material the Precinct Commissioner has available. The area covered will be limited to the ditch easement (roadway edge to private property) and cannot include any portion of the private driveway beyond the ditch easement;
- h) It is the Property Owner responsibility to mark where the new culvert is to be installed;
- i) The County will be responsibility to call 811 (Call Before You Dig) and have the utilities marked where the new culvert is to be installed;
- j) When the new culvert is on site and utilities have been located, the property owner should call their County Commissioner's office for installation scheduling;
- k) The Commissioner's office will attempt to schedule installation within (1) week of notification depending on current workload. However, this scheduling does not take priority over County road repair that is impacting the travelling public;
- l) If the provided schedule by the Commissioner's office does not meet the timeframes required by the property owner, the property owner may install the driveway culvert at their own expense to the specifications in this policy;
- m) If is the Property Owner decides to exercise (l) above) it is the responsibility of the Property Owner or their contractor to call 811 (Call Before You Dig) and have the utilities marked where the new culvert is to be installed;
- n) Driveway Surface: The property owner may add asphalt or concrete surfacing over a driveway culvert at the property owner's expense. The property owner shall insure that alignment of culvert pipe is not altered during such operation. If concrete surfacing is added by the property owner's contractor:
 - 1) An expansion joint shall be provided two feet beyond outer edge of pipe on each side of culvert pipe, to facilitate removal of concrete as may be necessary to enlarge pipe during drainage improvement projects.
 - 2) No concrete shall be placed within eleven (11) feet of roadway centerline.
- o) After the new installation, the property owner is solely responsible for any necessary maintenance (obstruction of water flow) and repairs (including both culvert and driveway);

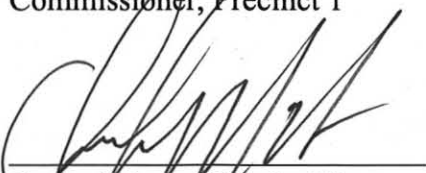
- p) If any Henderson County culvert covered by this policy is not in compliance with the minimum specifications set forth herein, Henderson County reserves the right to remove the culvert in question and Henderson County also reserves the right to take any necessary corrective measures within county-maintained rights-of-way to address drainage or water flow or similar concerns;
- q) Additionally, if a driveway culvert is impeding or preventing proper water flow. The County Precinct Commissioner reserves the right to inform the Property owner (in writing) of the situation and advise that if the maintenance issue isn't addressed in 10 days the County will perform the corrective actions for a charge not to exceed \$500.00.
- r) To the extent this driveway culvert policy conflicts with the Henderson County Subdivision Regulations (as amended), the subdivision regulations preempt this policy with regard to culverts or driveways located within subdivisions; however, Henderson County reserves the right to limit public funds used for culvert installations and maintenance through the county's platting authority in new subdivision developments; and
- s) **Indemnification:** The Requesting Party shall hold harmless Henderson County and it's duly appointed agents and employees against any action for personal injury or property damage sustained during the resulting county installation; and
- t) The intent of this policy is that Henderson County will not incur on-going maintenance costs after generally providing labor for initial culvert installation in the unincorporated areas of the county.

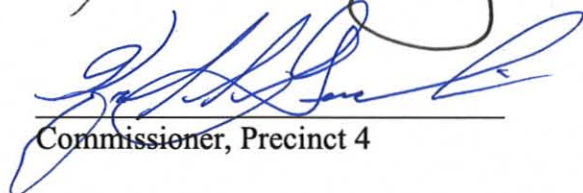
Revised and Adopted this 1st day of October, 2019.


County Judge, Henderson County, Texas


Commissioner, Precinct 1


Commissioner, Precinct 2


Commissioner, Precinct 3


Commissioner, Precinct 4

Attest: 
County Clerk