

**AMENDED ORDER
ADOPTING NOTICE PROCEDURES FOR USE OF COUNTY RIGHT-OF-WAY**

On this the 8th day of December, 2015, the Houston County Commissioners Court adopts the following regulations governing the use of county right-of-way by public utilities:

PURPOSE. Pursuant to Texas law, utilities have the right to place and maintain transmission lines along the county right-of-ways without charge, provided that Houston County must receive advance notice of the planned use, and provided further that the County may designate the location of the lines. In addition, the public utility may not interfere with the use of the right-of-way by the general public. This order is intended to assure that the County receives sufficient notice to fulfill its responsibilities to the public.

DEFINITIONS.

1. "County" means "Houston County."
2. "County road" means a street, road, or other path for vehicular traffic that is maintained by Houston County.
3. "Facilities" means any and all wires, cables, fibers, duct spaces, manholes, poles, conduits, pipes, connections, underground and overhead passageways, structures and all associated physical equipment placed in, on, or under a county right-of-way.
4. "Person" includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
5. "Service Provider" means a utility, including but not limited to a gas transmission company, electric company, telephone company, water utility, or cable television company, regardless of whether such utility is publicly or privately owned. The service provider agrees to assume liability for any and all damages that may be caused by repairs, replacement, or installation construction of facilities, including the county road and the right-of-way involved. The service provider further agrees to comply with all state and federal rules and regulations concerning the repair, replacement, or installation of facilities.
6. "Right-of-way" means the surface between, and the space below, the boundary lines of a county road.

NOTICE REQUIRED.

1. No person shall use a right-of-way without prior notice to the County as provided in this order and consistent with existing state law.
2. Notice of the proposed use will be given to the appropriate Commissioner for the Houston County Road & Bridge precinct.
3. The Commissioner for the Houston County Road & Bridge precinct, at his discretion, may schedule a time to visit the location site with the person or a representative of the person in order to investigate and to designate the location of the facilities. **Any repairs, replacement, or installation of facilities must be bored to a minimum depth of thirty-six (36) inches below the ditch line. The Service Provider is prohibited from making repairs, replacement, or installation of facilities by digging across a county road.**

INTERFERENCE PROHIBITED.

1. The County reserves the right to designate the location of the facilities in the right-of-way. The decision of the Commissioner for the Road & Bridge precinct shall be final.
2. Each service provider and its representatives shall conduct work in such a manner as to avoid unnecessary inconvenience and annoyance to the public.
3. No service provider may use a right-of-way in such a way as it interferes with the use of the right-of-way by the public.


PRIVATE USE PROHIBITED.

The use of the county right-of-way without cost is limited to use by service providers. Any use of the county right-of-way for the benefit of a private person is strictly prohibited, unless authorized by this order or other law.

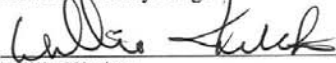
PENALTY.

Any violators of these regulations may be charged \$1,000.00 to recover the cost of repairs to the county road and right-of-way. The County maintains the right to pursue any legal options, including litigation, to recover any costs associated with damage to county roads and the right-of-way.

PASSED AND ADOPTED this the 8th day of December, 2015.




Erin Ford
Houston County Judge




Willie Kitchen
Commissioner, Precinct No. 2

Kennon Kellum
Commissioner, Precinct No. 4



Roger Dickey
Commissioner, Precinct No. 1



Pat Perry
Commissioner, Precinct No. 3



Attest: Bridget Lamb
Houston County Clerk