



**FANNIN COUNTY**

**POLICY, PROCEDURES AND SPECIFICATIONS OF FANNIN  
COUNTY, TEXAS FOR THE INSTALLATION OF DRIVEWAY  
CULVERTS, ROAD BORES, USE OF HEAVY EQUIPMENT AND  
UTILITY LINES WITHIN FANNIN COUNTY ROAD RIGHT-OF-WAY**

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## I. AUTHORITY

These Rules are adopted by the Commissioners' Court of Fannin County (FCCC), Texas pursuant to V.T.C.A, Local Government Code, Chapter 402, Utilities Code Chapter 181, Texas Transportation Code Sec.251.003, Sec. 251.016 and Sec. 251.017. Additional authority is found in a Texas Attorney General Opinions GA-1013 and GA-0693.

## II. JURISDICTION

These rules apply to all laying, construction, repair and/or installation of driveway culverts, road bores and public utility lines within Fannin County right-of-way (ROW).

## III. PURPOSE

The purpose of these Rules is to protect the public, to maintain safe and efficient operating regulations, and to preserve and maintain the integrity of Fannin County roads and road drainage, and right of way, during the laying, construction, repair and/or installation of driveway culverts or utilities.

## IV. DEFINITIONS

As used in these Rules, the following words and phrases have the following meanings:

- A. **Driveway Culvert** is a steel structure that allows water to flow under a driveway or similar obstruction that is typically surrounded by soil, rock or other stabilizing materials.
- B. **Utility** means any pipeline, main, conduit, cable or utility structure of a publicly, privately and/or cooperatively owned utility company engaged in furnishing electricity, gas, water, sewage, community antenna or cable television. This term excludes telegraph and telephone companies.
- C. **High Pressure Pipeline** means any pipeline designed to transport a liquid or gas at a pressure equal to or in excess of 60 pounds per square inch.
- D. **Person** means any individual, corporation, partnership, limited partnership, joint venture or other legal entity.
- E. **Heavy Equipment** means equipment that has more or less restricted mobility and a large capacity for heavy duties and is commonly used in mining, utilities, construction, forestry, handling aggregates, recycling, concrete, paving, asphaltting, demolition, agricultural and public works type projects.
- F. **Road Bore** is the making of a tunnel, mine, well, passage, etc. by hollowing out, cutting through, or removing a core of material.

## V. RIGHT OF WAY SAFETY HAZARDS

The Fannin County Commissioners, in provisions cited earlier, are required to make roadways safe for the traveling public. To this end, the County Commissioner will be responsible for providing safe travel for those traveling in their precincts. Commissioners may prohibit safety hazards from being placed in the right of way or remove safety hazards already existing. A partial list of safety hazards might include large trash dumpsters, trees, shrubs, signs and mailboxes. Other unique situations might arise that requires the Commissioner of a precinct to take action regarding a safety hazard including its removal from the right of way. This policy will include right of way under County control that is obtained by dedication or prescriptive use and the right of way may be up to a distance of twenty-five (25') feet from the center of the road.

## **VI. CONSTRUCTION ACTIVITY**

- A. No person shall enter upon land acquired, claimed, or maintained by Fannin County for road and/or drainage for the purpose of laying, constructing, and/or installation of any driveway culvert, road bores or utility construction, involving the disturbance of the soil, until a construction permit regarding location of the utility, bore or culvert has been approved by the Fannin County Commissioner of the precinct in which the proposed work is located.
- B. The issuance of a permit by Fannin County does not grant any right, claim, title or easement in or upon the road or its appurtenances. In the future, should Fannin 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 right-of-way, the utility, if affected, will be moved, or relocated at the sole expense of the utility company.

## **VII. PERMIT REQUIRED**

The following must be submitted to comply with Sections IX and X of this policy.

- A. A completed FANNIN COUNTY PERMIT TO WORK IN THE PUBLIC RIGHT OF WAY form prepared and provided by the Fannin County Commissioners' Court shall be presented to the Fannin County Environmental Service Office; The County Commissioner in whose precinct the work is to be done should be consulted early and frequently during the construction planning phase.
- B. One complete sets of drawings detailing the work to be completed, including proposed location with respect to ROW, type of driveway culvert, bore size, type of utility, size, length, and type of material to be used. The drawings shall clearly show compliance with these Rules, including but not limited to compliance with all Federal and State Rules. Traffic control plans shall be submitted for turn lanes and other construction activity requiring a lane closure. Additionally, a detour plan should be developed after working with the appropriate County Commissioner and submitted to the Commissioner when appropriate.
- C. The permit fee will be set annually by the Fannin County Commissioners' Court during their regular budget adoption process.

## **VIII. PROHIBITED ACTIVITY**

- A. No person shall lay, construct and/or install driveway culvert, bore a road or construct utilities in such a manner as to interfere with the construction, maintenance and/or repair of any county road, ditch or ROW. In the event that any such utility interferes in any manner with the construction, maintenance and/or repair of any county road, the person in control of the utility shall alter the utility no later than thirty (30) after notice from the FCCC identifying the location of the current line and its subsequent relocation and bear the cost and expense of any change or alteration.
- B. No person shall lay, construct, and/or install driveway culvert, road bore or utilities in such a manner as to interfere with use of, or obstruct, vehicular or pedestrian traffic on any county road, or drainage on or along such road.
- C. No person shall lay, construct, and/or install a driveway culvert, road bore or utilities in

such a manner as to constitute a danger or hazard of any kind to persons or vehicles using or maintaining such road, or any public property located within the boundaries of the county right of way.

## **IX. CONSTRUCTION REQUIREMENTS**

- A. All utilities that cross improved county roads shall be drilled, tunneled, or bored under the road for the full width of the improved portion of the road. Improved county roads, as used within this subsection, are defined as any road surfaced with a material other than dirt. The improved portion is considered as that portion of the road lying between the front slope of each ditch, or on curb and gutter sections, the area lying between the back of each curb and the ROW line.
- B. If, however, such procedure is deemed impractical by reason of rock, utilities, underground construction or terrain, special permission may be granted by the FCCC before an open road cut will be allowed. If approved, trenching, backfilling, and resurfacing of the cut shall be done in accordance with the procedures outlined in this policy. The Person/Contractor shall be responsible for all paving repair for a period of one year after completion of the cut.
- C. All underground utilities, except high pressure pipelines, that cross county roads shall be installed at the greater of the two following depths:
  - 1. at least four (4') feet below the crown of the road, or
  - 2. at least three (3') below the bottom of the ditches on each side of such county road.
- D. Such depth distances shall be measured from the top of such utilities to the bottom of the road ditches or from the crown of the road as the case may be; unless by reason of proposed or anticipated changes in the grade of such county road or road ditches, the Commissioner determines that a greater depth is advisable.
- E. On curb and gutter sections, all utilities that cross county roads shall be installed at a minimum of three feet (3') below the bottom of the slab at the gutters. Such depth distance shall be measured from the top of such utility to the bottom of the slab at the gutter. However, in particular instances where it is determined by the FCCC that a greater depth is required, such utility shall be installed at the depth required by the County Commissioner.
- F. All utilities, except high-pressure pipelines, parallel to and within the ROW of any county road shall be laid, constructed, maintained and/or repaired at a distance of not less than four feet (4') from the edge of the road. The underground installation shall be at such depth so as to provide a minimum of three feet (3') of cover above the top of the buried structure.
- G. On curb and gutter sections, all utilities paralleling the road should be a minimum four feet (4') behind the back of the curb. All utilities constructed, maintained or repaired above any county road ROW shall be a minimum of twenty feet (20') above the ground or as determined by the County Commissioner.
- H. Operations along roadways shall be performed in such a manner that, during non-working hours, all excavated material be kept off the pavements at all times, as well as all operating equipment and materials to avoid inconvenience to the public in the use of the road. In all cases where excavated material is piled along the side of a trench resulting from the laying, constructing, maintaining and/or repairing of utilities parallel with a

county road, weep holes shall be dug through such piles of dirt in order that water may drain from the roadbed and shoulders to the road ditches. Weep holes shall be dug according to the following specifications:

1. at intervals not to exceed two hundred feet (200') along such parallel construction, and at all swags or low places in the roadbed of such county road, each weep hole having a width of twelve inches (12"), and
2. drains to the road ditch, or to such an elevation that the bottom of the weep holes will discharge their water into the road ditch.
3. Such weep holes must be maintained free of obstruction until construction is completed and the trench backfilled tamped and leveled true to the original grade. If weep holes have not been properly constructed or maintained, operations shall cease until same are corrected. The contractor shall maintain storm water flow in its pre-existing condition.

High-pressure pipelines shall be installed at the greater of the following depth: minimum of six feet (6') below the crown of the road, and a minimum of three feet (3') below the bottom of the roadside ditch. In curb and gutter streets, the pipeline shall be installed a minimum of two feet (2') under the bottom of the slab at the gutter. All measurements are from the top of the pipe and/or casing. All high-pressure pipelines must be cased and vented or have the equivalent protection in the design. Bore pits for high pressure pipeline installation shall be a minimum of thirty (30') feet from the nearest through traffic lane and not less than twenty feet (20') from the edge of the pavement. A professional engineer licensed to practice in the State of Texas must seal all high-pressure pipeline drawings submitted and certify that the drawings meet all federal and state requirements and guidelines for the specific design.

- I. All lines, where practicable, shall be located so as to cross the county roadbed at a right angle to the road. No lines are to be installed under or within fifty feet (50') of either end of any bridge. No lines shall be placed in any culvert or within ten feet of the closest point of any culvert.
- J. Parallel lines will be installed as near to the ROW line as possible, and no parallel line will be installed in the roadbed or between the drainage ditch and the roadbed without special permission of the County Commissioner.
- K. Written notice shall be given to the County commissioner of the precinct in which utility work is planned at least forty-eight (48) hours before laying, constructing, boring or maintaining and/or repairing any utility, in, under, across or along any county road which involves disturbance of the soil
- L. A copy of the County permit shall be on site of the work.
- M. Backfill requirements for all open cut excavation and trenches will be as follows:
  1. Areas not subject to vehicular traffic, the trench backfill is to be placed in lifts not more than ten inches (10") in depth. The method of compaction shall be left to the contractor.
  2. Areas subject to vehicular traffic will be backfilled in six-inch (6") lifts and mechanically tamped to ninety percent (90 %) modified proctor density.
    - a. Dirt Roads- Backfill will be tamped in six-inch (6") lifts.

- b. Gravel Roads- Backfill will be well tamped in six-inch (6") lifts to a point nine inches (9') below the surface of the road. Then one foot (12") of acceptable gravel shall be tamped until the top of the backfill is level with the driving surface.
  - c. Asphalt Roads- Backfill materials shall be selected mineral aggregate and cement in proportions of 27 to 1 properly compacted to ninety percent 90% modified proctor density to within two inches (2") of the road surface. Asphaltic concrete will then be added and tamped or rolled to make a level driving surface.
- N. Any utility pole line parallel to a county road shall be constructed with poles set no further than one foot (1') from the right of way line. Any deviation must have the written approval of the County Commissioner of the precinct in which the work is being done.
  - O. All underground road crossings shall be clearly and permanently marked, on each side of the ROW, with warning signs indicating owner and type of installation, where practical. Pipelines carrying water and domestic sewage are exempt from this requirement.
  - P. If an open cut is required, the cut shall not be more than one-half of the roadways 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, the entire width of the roadway may be cut or opened, provided barricades are placed at the first intersection each way from the cut, and suitable detour signs are erected. The detour route must be developed in cooperation with and the approval of the County Commissioner in whose precinct the work is located.

**X. DRIVEWAY CULVERT INSTALLATION**

- A. The property owner is to place a construction stake at the center of the proposed location of the driveway culvert. The ends of the culvert or its safety ends shall not cross property lines.
- B. Once the proposed location is marked, the owner will notify the Fannin County Environmental Development Service Office who will then notify the Commissioner whose precinct the driveway culvert is proposed. The owner will then provide the Fannin County Environmental Development Service Office with construction plans and completed permit application for driveway culvert installation. The appropriate Commissioner will then consider approval of the site and the plans.
- C. Within 5 working days of being notified, the Commissioner will provide the owner with the size (diameter) of the culvert required and will place construction stakes at the approved culvert end locations. Grade stakes will be set only one time per permit issuance. The construction stakes will identify the grade at which the culvert is to be set. Any culvert not set at the proper location and grade will be removed and reset at the owner's expense.
- D. All culverts shall be:
  - 1. galvanized, corrugated steel only
  - 2. safety ends, if used, shall be sloped at 4:1.
- E. Permits will not be issued until the Commissioner, in whose precinct the work is being done, has approved the construction plans for the culvert installation. After approval by Commissioner, permit fees must be paid to the Fannin County

Environmental Service Office.

- F. The permit fees will be set by the Commissioners' Court each year during the process of considering adopting the next year's budget.
- G. All driveway culverts will be installed by property owner or private contractor at owner's expense.
- H. The owner must call for an inspection when the installation of the culvert is complete and materials not used during construction shall be removed from the site.
- I. Any modification to the culvert installation after plan approval will not be allowed and the owner may be required to remove and reinstall the culvert at owner's expense.

#### **XI. LIABILITY**

The owner of any driveway culvert, road bore or utility shall save and hold harmless Fannin County against any and all liability that arises or may arise from any activity the owner, its agents, servants, employees and contractors may conduct on the premises.

#### **XII. ENFORCEMENT**

It shall be an offense for any person, firm or corporation to violate any of the provisions of this ordinance or to fail to comply with any provisions of this ordinance.

The District Attorney or other prosecuting attorney representing the county in the district court is entitled to appropriate injunctive relief to prevent a violation or threatened violation from continuing or occurring.

Any offense as defined herein is a Class C misdemeanor. The offense shall be prosecuted in the same manner as an offense defined by state law.