



# **GILLESPIE COUNTY RIGHT-OF-WAY REGULATIONS**

**EFFECTIVE 05/28/2024**

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## **ARTICLE 1 ADMINISTRATIVE PROVISIONS**

### **SECTION 1.01 ENACTMENT**

Texas Transportation Code Section 251.016 and 251.017 gives the Commissioners Court of a County general control over all roads, highways, and bridges in the County, and authority to issue permits and to set reasonable fees related thereto.

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.

As the 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.

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

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 designee.

The Gillespie County Commissioners Court hereby adopts the permitting regulations set forth herein and authorizes the County Commissioners and County Engineer, or their designee, to enforce such regulations. It is to be understood that any reference to “the County Commissioner” shall mean the County Commissioner with jurisdiction over the location of the improvement, project, or work subject to these regulations.

### **SECTION 1.02 EFFECTIVE DATE**

These regulations are effective as of 05/28/2024 and supersede, repeal, and replace any right of way regulations enacted by the County before the effective date. These regulations shall remain in full force and effect until amended or repealed by the Commissioners Court.

### **SECTION 1.03 NOTICE AND RECORDATION**

Any required notice shall be in writing, such as written letter or email, and delivered to the individual at the contact information provided on the application. Notice shall be deemed to have been duly given on the date of service if served personally or by email, or 3 business days after the date of mailing if mailed by first class, registered, or certified mail with postage prepaid.

All applications and file copies of permits issued pursuant to these regulations are maintained by the County Commissioners and County Engineer, or their designee, as part of the records of their office. The disposition of such records will be in accordance with the office’s Standard Operating Procedures.

#### **SECTION 1.04 NON-CONFORMANCE**

Any improvement constructed within the public right-of-way that is non-compliant with these regulations or procedures, or which was constructed after 2019 without an approved right-of-way permit is subject to removal by Gillespie County with or without warning. Any incurred charges in bringing the area into compliance will be assessed to the applicant (or property owner if there is no application filed), including but not limited to cost of materials, labor, equipment, and overhead.

Any improvement constructed within the public right-of-way prior to 2019 is subject to removal by Gillespie County if the improvement poses a safety hazard, or if it causes an obstruction to the established drainage path or line of sight in either direction.

If an applicant defaults on the terms and conditions of these regulations, the 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 these regulations.

#### **SECTION 1.05 ENFORCEMENT**

If any person violates any provision of these regulations, the County Engineer will attempt to obtain compliance with these regulations by any and all lawful means. If the County Engineer is unable to obtain voluntary compliance, the County 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 of an improvement within the public right-of-way either without a permit or in any manner except as specified in the permit issued by the Commissioners Court, or its designee, the Commissioners Court may request that the County, District Attorney, or retained legal counsel to file suit to enjoin the violation of these regulations.
2. If any person engages in the construction of an improvement within the public right-of-way either without a permit or in any manner except as specified in the permit issued by the Commissioners Court, or its designee, the Commissioners Court may order the applicant to remove or bring into compliance the improvement within the 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. An applicant under these regulations must certify to the 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.
3. The procedure for contempt proceedings before Commissioners Court will be consistent with procedures in actions before other courts in Texas 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 10 calendar days notice of said contempt proceedings.

4. The Commissioners Court shall punish contempt by fine of \$25 or by imprisonment not to exceed 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.

#### **SECTION 1.06 INDEMNIFICATION, DISCLAIMER OF WARRANTIES, AND RELEASE OF LIABILITY**

- A. 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 right-of-way permit.
- B. 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 constitute an endorsement or warranty of the applicant or the quality of the applicant, applicant's officer, agent or employee's workmanship.
- C. 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 the County Road or public right-of-way.

#### **SECTION 1.07 DEFINITIONS**

Unless otherwise designated, the terms in these regulations shall have the same meaning as the terms defined in the current version of the Gillespie County Subdivision and Manufactured Home Rental Community Regulations.

Certain additional terms used in these regulations have the meanings indicated below:

- A. Application Period – the time period during which the right-of-way permit application is under review by the Gillespie County Commissioners Court, or its designee.
- B. Construction Period – the time period after the right-of-way permit application has been approved by the Gillespie County Commissioners Court, or its designee.
- C. Fence – a barrier or structure completely or partially enclosing an area of ground that is intended to mark a boundary and/or prevent pedestrian or vehicular access.
- D. Irrigation – equipment utilized to apply water to facilitate vegetative growth, including but not limited to spray heads, pipes, control wiring, and drip irrigation tubing.
- E. Improvement – shall have the same meaning as “development” as defined in the Subdivision Regulations

- F. Revegetation – establishment of 80% of vegetative cover. Seeding does not constitute the establishment of vegetative cover.
- G. Right-of-way (ROW) – 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.
- H. Subdivision Regulations – the current version of the Subdivision and Manufactured Home Rental Community Regulations for Gillespie County, Texas.

**SECTION 1.08 SEVERABILITY**

The provisions of these regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these regulations 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 would have been adopted as to the remaining portions, regardless of the invalidity of any part.

**SECTION 1.09 HEADINGS, TENSE, GENDER, AND NUMBER**

- A. Headings: The headings of sections of these regulations are for convenience of reference only and shall not affect in any manner any of the terms and conditions herein.
- B. Tense, Gender, and Number: Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning.

## ARTICLE 2 PERMITTING PROCEDURE

### SECTION 2.01 PERMIT REQUIRED

- A. Any person seeking to construct an improvement on, in, or over a public ROW shall first file an application for a ROW permit with the County Engineer and shall abide by the terms and provisions of these regulations. Examples of facilities requiring a ROW permit include, but are not limited to installation of drive approaches, mailboxes, aerial or underground utilities, structures, signs/monuments, placement of rocks or boulders, and excavation, fill, or grading.
- B. A ROW permit is required for repair or improvement of an existing driveway or road, including but not limited to resurfacing with a different material, regrading, and widening. Routine maintenance is not considered a repair or improvement and does not require a ROW permit.
- C. The Applicant shall assume full responsibility for notification, coordination and relocation of any utility facilities impacted by the proposed improvement.
- D. The applicant shall submit a temporary Traffic Control Plan if any lane or road closures are proposed. Notice must be provided to the Precinct Commissioner at least 5 business days in advance of any lane closures and 10 business days in advance of any road closures. There shall be no lane or road closures without the prior written approval of the Precinct Commissioner.
- E. All ROW permits are subject to the Road Damage and Repair provisions described in the Subdivision Regulations.
- F. Issuance of a ROW permit by the County does not grant any right, claim, title, or public easement in or upon the County Road or its appurtenances.

### SECTION 2.02 RESTRICTIONS

The following improvements are not permitted or not recommended to be constructed within public ROW:

- A. Fences are not permitted within public ROW. Fences constructed within public ROW are subject to removal as stated under Section 1.04.
- B. Irrigation may be placed in a public ROW at the property owner's risk. A ROW permit is not required for irrigation, as it is not recommended to be placed in a public ROW and shall not be construed to be approved within a public ROW. The County shall not be responsible for relocating, repairing, or replacing damaged irrigation lines within a public ROW before or after any type of construction, repair, or maintenance performed by the County, or a contractor hired by Gillespie County, within the public ROW.
- C. Landscaping may be placed in a public ROW at the property owner's risk. Boulders or large stones that create a safety hazard must be permitted as described in these regulations. A ROW permit is not required for landscaping, as it is not recommended to be placed in a public ROW and shall not be construed to be approved within a public ROW. The County shall not be responsible for relocating, repairing, or replacing damaged landscaping within the public ROW before or after any type of construction, repair, or maintenance performed by the County, or a contractor hired by Gillespie County, within the public ROW.

## **SECTION 2.03 PERMIT PROCEDURE**

The procedure used to process ROW permits is described below.

- A. The applicant shall request a pre-application meeting with the County Engineer. The County Engineer may conduct a site inspection or require a site meeting with the applicant, applicant's contractor, and the Precinct Commissioner to review the proposed scope of work.
- B. The applicant shall fill out and submit a complete ROW Permit Application and the supporting documents in one complete submittal to the Gillespie County Engineer's Office. The application is available on the County's website, or a hard copy can be provided upon request made to the County Engineer's Office.
- C. The County Engineer will notify the applicant if the application is determined to be complete or incomplete within 10 business days of receipt of the application. If missing information is not submitted within 45 days, the application will expire and the applicant shall be required to resubmit a new ROW permit application, including the applicable fees.
- D. After the application is determined to be complete, the County Engineer will review the permit application within 10 business days.
  1. If approved, the permit will be returned to the applicant as authorization to construct the improvements.
  2. If disapproved, the applicant will receive a written list of reasons for disapproval. The applicant shall remedy each reason for disapproval provided and resubmit the ROW permit application within 45 days of such disapproval. If a revised application is not submitted within 45 days, the application will expire and the applicant shall be required to resubmit a new ROW permit application, including the applicable fees. The revised application will be re-reviewed as provided in steps C and D until approved, expired, or withdrawn.
- E. Start of construction shall not commence until the permit application has been approved. Improvements constructed prior to ROW permit approval are subject to removal as stated under Section 1.04.
- F. After approval of the ROW permit application, any revision or alteration shall be approved by the County Engineer prior to construction. The County Engineer may require the applicant to submit a new ROW permit, including the applicable fees, if the proposed revisions are determined to be a substantial change from the original permit.
- G. The applicant must notify the County Engineer after construction is complete, and at any other interval required by the County Engineer, if any, to schedule an inspection of the improvements. At completion, all equipment, construction material, trash, and other debris shall be removed and the work area shall be restored to its pre-project condition, including revegetation of the public ROW at the applicant's cost and patching of roadway cuts.
- H. Within 5 business days after the County Engineer's inspection, the County Engineer will notify the applicant if the improvements are determined to be compliant with these requirements.
  1. If improvements are determined to be compliant, the County Engineer will issue a letter of completion for the improvement.



2. If improvements are determined to be non-compliant, such improvements must be removed, replaced, or repaired, as directed by the County Engineer at the applicant’s cost. The applicant shall remedy any non-compliant improvements within 10 business days of notification. The remedied improvements will be reinspected as provided in steps G and H until determined to be compliant with these requirements. Any improvement that remains non-compliant with these requirements is subject to removal as stated under Section 1.04.
- I. Maintenance of improvements constructed under the ROW permit shall be the responsibility of the applicant. Any improvements constructed in a public ROW shall be adequately maintained to prevent the blockage of stormwater runoff and to prevent any impediments to traffic safety.

**SECTION 2.04 PERMIT FEES**

Permit fees may be adjusted by the Commissioners Court at any time, the adopted fee shall be updated by amendment to these regulations. It is the responsibility of the applicant to ensure that the applicant is referring to the most current version of these regulations.

Permit fees must be paid by personal check, cashiers check, or other method accepted by the County and made payable to Gillespie County. Payment may be hand delivered or mailed to the Gillespie County Courthouse at 101 West Main Street, Fredericksburg, Texas 78624.

**Table 2-1: ROW Permit Application Fees**

*If construction has started on an improvement in the ROW prior to approval of a ROW permit application, the applicant shall pay the calculated ROW permit fee x 2.*

<b>Improvement Type</b>	<b>Fee</b>
Individual Single Family Residential Improvement	\$50
Multiple Single Family Residential/Residential Subdivision/MHRC/Non-residential Improvement	\$500
Utility Installation (Aerial Only + no new poles)	\$0
Utility Installation (Aerial Only + new poles)	\$250
Utility Installation (Underground) with no road crossings	\$500
Utility Installation (Underground) with road crossings	\$500 + \$125 per bore + \$250 per trench

**SECTION 2.05 PERMIT EXPIRATION**

If the ROW permit expires, the applicant shall be required to resubmit a new ROW permit application, including the applicable fees, subject to the regulations prescribed at the time the ROW application is resubmitted.

- A. During the application period, the permit will expire if missing information is not received within 45 days, or if a disapproved application is not resubmitted within 45 days as described in Section 2.03.
- B. During the construction period, the ROW permit expires 6 months after the date of approval if no progress has been made towards completion of the project. The applicant must restore the work area to its pre-project conditions, including revegetation of the public ROW. Failure to meet this requirement is subject to the penalties described under Section 1.04 and Section 1.05.

## **SECTION 2.06 VARIANCES**

An applicant who requests to obtain a variance to one or more of the requirements in these regulations shall submit a variance request form to the County Engineer for review by the Commissioner's Court. The process and requirements for submitting a variance request are provided in the Subdivision Regulations.

## **SECTION 2.07 APPEAL**

An appeal for denial of a permit will be considered on the following basis:

- A. Upon denial of a ROW permit application, the applicant may appeal the decision to the Commissioners Court by stating good and sufficient cause for an appeal and submitting the reasons for approval in writing to the County Commissioners and County Engineer, or their designee, within 10 business days of the denial of said permit.
- B. The Precinct Commissioner and County Engineer, or their designee, shall review the appeal within 15 business days of receipt and provide a written recommendation to the Commissioners Court. The Applicant shall be provided with a copy of the recommendation and a notice of the scheduled Commissioner's Court meeting date and may appear before Commissioners Court to support the appeal.
- C. The decision of the Commissioners Court is final.

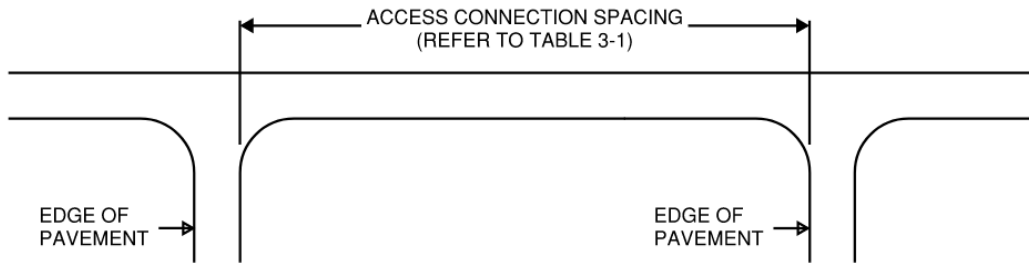
**ARTICLE 3 PERMITS - ROAD INTERSECTIONS AND DRIVEWAYS**

**SECTION 3.01 ACCESS SPACING REQUIREMENTS**

- A. Road intersections and driveways shall meet the access connection spacing requirements shown in Table 3-1. The County Engineer may approve an alternate location if conformance to this requirement would create a safety hazard. The alternate location must be provided and approved by the applicant’s Engineer.
- B. All access shall be as near to 90-degrees as practicable and shall always be between 80-degrees and 100-degrees.
- C. Where possible, access points shall be aligned directly across from other streets or driveways on the opposite side of the street.
- D. Avoid placing access locations on curves and steep slopes. If the County Engineer determines the existing topography does not provide adequate intersection sight distance, an alternate location must be provided and approved by the applicant’s Engineer. The USDOT Federal Highway Administration Intersection Safety Manual for Local Rural Road Owners is used as a guideline in determining adequate intersection sight distance.

**Figure 1: Access Connection Spacing Diagram**

*The distance between access points is measured from the edge of pavement to edge of pavement.*



**Table 3-1: Access Connection Spacing Requirements**

*The table describes the minimum separation from a proposed street or driveway to an existing or proposed road, driveway, and property line.*

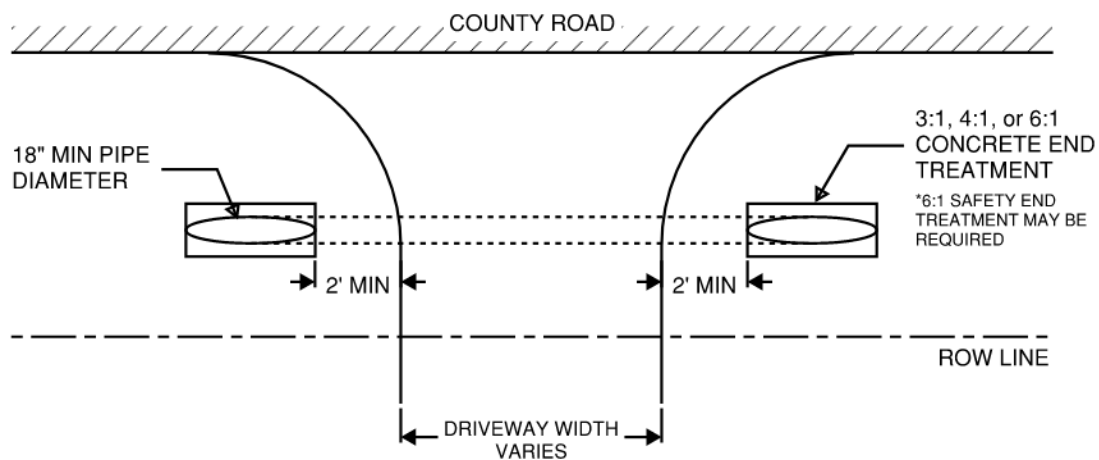
<b>Speed Limit (mph)</b>	<b>Distance to Nearest Road Intersection (feet)</b>	<b>Distance to Driveway (feet)</b>	<b>Distance from Property Line (feet)</b>
≤ 30	200	100	50
35	250	125	63
40	305	153	77
45	360	180	90
≥ 50	425	213	107

**SECTION 3.02 CULVERTS**

- A. Culverts shall be installed where drainage ditches intersect with access points.
- B. Entrance culverts conveying drainage parallel to public roadways shall be sized to carry a minimum of 125% of the flow for the 5-year design storm,

- C. Culverts conveying drainage across a public roadway shall be sized to carry a minimum of 125% of the flow for the 10-year design storm.
- D. Culverts shall have a minimum size of 18" diameter for pipe culverts or 2'x2' for box culverts.
- E. Culverts may be standard reinforced concrete pipe, corrugated galvanized metal pipes, reinforced concrete boxes, or other material accepted by TxDOT.
- F. Culverts shall be installed with a minimum of 12" cover or the minimum cover required by the material's specifications, whichever is greater.
- G. Culverts must have a minimum length of the access width plus 2' on each side, with ends encased in concrete riprap so as to provide a 3:1, 4:1, or 6:1 sloped concrete end treatment.
- H. A 6:1 safety end treatment in compliance with current TxDOT standards and details is required for single pipe culverts with a size more than 36" diameter, multiple pipe culverts with a size more than 30" diameter, and box culverts with a span more than 36".

**Figure 2: Typical Culvert Layout**



- I. Culverts shall not extend past the applicant's property boundary or easement, as applicable.
- J. Access points without culverts shall be designed to not obstruct the flow of water and must be approved by the County Engineer.

**SECTION 3.03 ROAD INTERSECTION SPECIFICATIONS**

- A. Design and Construction specifications for private road connections to public roads must be prepared by the applicant's Engineer.
- B. Roads in platted subdivisions designated as private roads must meet all public standards described in the Subdivision Regulations. Roads in subdivisions developed under a plat exemption must be constructed to public standards described in the Subdivision Regulations within County ROW.
- C. The applicant assumes the risk of all repairs, renovations, maintenance, and/or replacement of the proposed private road, including culverts installed for the private road connection to the public ROW.

- D. Road intersections shall meet all criteria stated under Section 3.01 and Section 3.02.
- E. Radii at the intersection of two roads shall be as specified in Table 3-2 below.

**Table 3-2: Intersection Radii**

<b>Intersection Type</b>	<b>Radii</b>
Primary/Primary	30 ft
Primary/Secondary	25 ft
Secondary/Secondary	20 ft

- F. Public roads shall not be used as a continuation of drainage, runoff exceeding the pre-developed conditions shall not be permitted to enter or cross a public road. The applicant’s Engineer shall provide calculations for the 5-, 10-, 50-, and 100-year design storm certifying this requirement is met.
- G. There shall be no adverse effect to drainage within County ROW created by the private road and/or road intersection. The applicant’s Engineer shall provide calculations showing no increase in stormwater runoff, velocity, or depth within the County ROW for the 5-, 10-, 50-, and 100-year design storm.
- H. The applicant must submit a TIA Worksheet with the ROW permit application. If the proposed road serves developed property, include all existing and proposed trips shown in separate categories on the worksheet. The TIA Worksheet must be completed using the most recent edition of the ITE Trip Generation Manual. If the development generates 100 or more total peak hour trips, a Traffic Impact Analysis (TIA) Study is required. The TIA Worksheet and TIA Scoping Worksheet are available on the County’s website, or a hard copy can be provided upon request made to the County Engineer’s Office.

**SECTION 3.04 DRIVEWAY SPECIFICATIONS**

- A. The County suggests providing driveway design and construction specifications prepared by an Engineer. If the County Engineer determines that topography or other existing conditions make it infeasible to conform to the requirements described in these regulations, or such conditions present other safety hazards, the County Engineer may require the location and design of the driveway to be provided by an Engineer.
- B. ROW permit approval by the County Engineer is based on field observations and best engineering practices. Approval of a ROW permit for a driveway does not constitute or imply the adequacy of the proposed materials or construction methods, or constitute or imply the sufficiency of the driveway’s hydraulic capacity or conveyance.
- C. The applicant assumes the risk of all repairs, renovations, maintenance, and/or replacement of the proposed driveway, including driveway culverts installed for the driveway connection to the public ROW.
- D. Drive approaches may be paved or unpaved. If the slope toward the public ROW exceeds 2%, paving may be required by the County Engineer within the ROW to prevent dirt, gravel, or other road debris from washing into the public road during a rain event.
- E. Driveways shall meet all criteria stated under Section 3.01 and Section 3.02.

- F. Driveway radius and width must meet the requirements specified in Table 3-3. Driveway width is measured at the ROW line as shown in Figure 2.

**Table 3-3: Driveway Radius and Width**

<b>Driveway Type</b>	<b>Radius</b>	<b>Width (max)</b>
Individual Single Family Residential:	5-10 ft	24 ft
Multiple Single Family Residential/ Residential Subdivision/ MHRC/ Non-residential:		
One entry and one exit lane < 4 single unit vehicles per hour	25 ft	28 ft
One entry and one exit lane ≥4 single unit vehicles per hour	30 ft	30 ft
One entry and two exit lanes Without divider	25 ft	40 ft
One entry and two exit lanes With 4 ft raised divider	25 ft	44 ft
Two entry lanes and two exit lanes With 4' raised divider	25 ft	56 ft

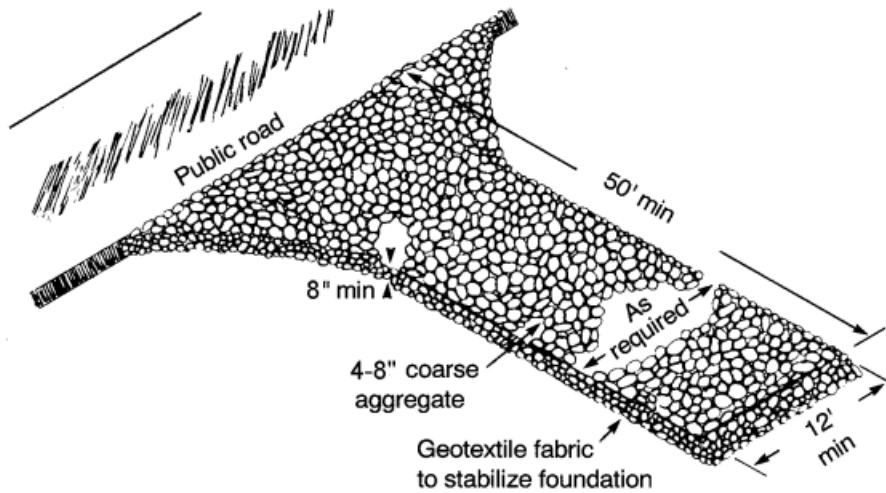
- G. All parts of the drive approach, including the radius, must be confined within the applicant’s property boundary or access easement, as applicable.
- H. Public roads shall not be used as a continuation of drainage, runoff exceeding the pre-developed conditions shall not be permitted to enter or cross a public road. If required by the County Engineer, the applicant shall have an Engineer provide calculations for the 5-, 10-, 50-, and 100-year design storm certifying this requirement is met.
- I. There shall be no adverse effect to drainage within County ROW created by the driveway. If required by the County Engineer, the applicant shall have an Engineer provide calculations showing no increase in stormwater runoff, velocity, or depth within the County ROW for the 5-, 10-, 50-, and 100-year design storm.
- J. The applicant must submit a TIA Worksheet with the ROW permit application. If the proposed driveway serves developed property, include all existing and proposed trips shown in separate categories on the worksheet. The TIA Worksheet must be completed using the most recent edition of the ITE Trip Generation Manual. If the development generates 100 or more total peak hour trips, a Traffic Impact Analysis (TIA) Study is required. The TIA Worksheet and TIA Scoping Worksheet are available on the County’s website, or a hard copy can be provided upon request made to the County Engineer’s Office.

**SECTION 3.05 TEMPORARY CONSTRUCTION ACCESS DRIVEWAY**

- A. A temporary construction access driveway is required for construction sites that disturb at least 1 acre; or are part of a common plan of development where the total soil disturbance of the collective activities is at least 1 acre; or as otherwise required by the Precinct Commissioner where construction has high potential for erosion or sediment discharge into public right-of-way.
- B. A rock stabilized construction entrance shall be used at all points of construction ingress and egress to a public road to reduce or eliminate the tracking or flowing of sediment into public right-of-way. Access to the construction site should be limited to as few points as possible and vegetation around the perimeter should be protected where access is not necessary.

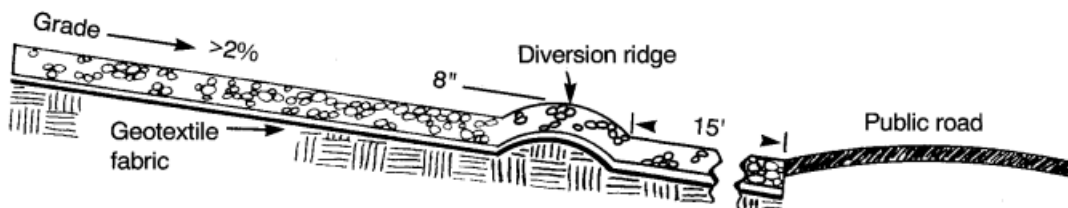
- C. The access shall meet all criteria stated under Section 3.01 and Section 3.02.
- D. The entrance shall be a minimum of 50 feet long and between 12 feet and 26 feet wide.
- E. Aggregate shall consist of 4 to 8 inch washed stone over a stable foundation as specified in the construction plan and placed with a minimum thickness of 8 inches.
- F. Geotextile fabric shall be designed specifically for use as a soil filtration media with an approximate weight of 6 oz/SY, a mullen burst rating of 140 psi, and an equivalent opening size greater than a number 50 sieve.

**Figure 3: Stabilized Construction Entrance Detail**



- G. If the slope toward the road exceeds 2%, construct a ridge, 6 to 8 inches high with 3:1 (H:V) side slopes, across the foundation approximately 15 feet from the entrance to divert runoff away from the public road as shown in Figure 4.

**Figure 4: Stabilized Construction Entrance Detail on Slopes > 2%**



<b>ARTICLE 4      PERMITS – GRADING/DRAINAGE</b>
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<b>SECTION 4.01      GRADING/DRAINAGE SPECIFICATIONS</b>
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- A. Public roads or infrastructure shall not be used as a continuation of drainage. Runoff exceeding the pre-developed conditions shall not be permitted to enter or cross a public road, culvert, or bridge. The applicant's Engineer shall provide calculations for the 5-, 10-, 50-, and 100-year design storm certifying this requirement is met.
- B. There shall be no adverse effect to drainage within County ROW created by grading, fill, or excavation. The applicant's Engineer shall provide calculations showing no increase in stormwater runoff, velocity, or depth within the County ROW for the 5-, 10-, 50-, and 100-year design storm.
- C. Culverts constructed within public ROW shall meet the design requirements stated in Section 3.02.

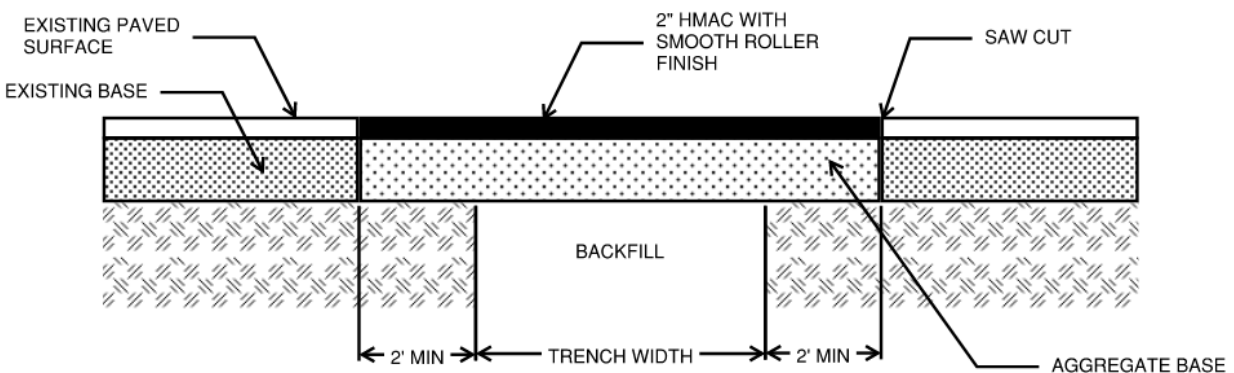


## ARTICLE 5 PERMITS - UTILITIES

### SECTION 5.01 UTILITY SPECIFICATIONS

- A. All utility lines passing under an existing paved road shall be placed by boring at a depth of 3 feet and at least 4 feet beyond the edge of pavement, or 1 foot beyond the edge of the shoulder on an unpaved road.
- B. Underground utilities parallel to an existing or proposed road shall be a minimum of 3 feet below the surface and within 4 feet of the ROW boundary.
- C. Above ground utility fixtures (poles, pedestals, transformers, etc.) shall be located within 2 feet of the ROW boundary unless otherwise approved by the County Engineer.
- D. All trenches, holes, or cuts within the public ROW shall be temporarily backfilled or covered by trench plates during all times that workers are not present at the construction site.
- E. All trenches, holes, and cuts shall be backfilled and stabilized within 48 hours of completing the permitted activity.
  1. Backfill must be crushed stone or equivalent material and free from large stones, lumps, wood, or other extraneous material. Backfill shall be placed in uniform layers not to exceed 8" in loose depth and each layer compacted to at least 98% maximum density.
  2. Patching for trenches in existing roadways must extend 2' on each side beyond the trench. The trench shall be backfilled and capped with base material meeting the type, thickness, and compaction requirements of the Subdivision Regulations and 2" HMAC.
  3. The applicant must chip seal the full road segment, limits as determined by the County Engineer based on the project's scope of work, from edge of pavement to edge of pavement if any trenches are cut in a road which was chip-sealed or otherwise resurfaced within the last 3 years.

**Figure 5: Road Patch Detail**



## **ARTICLE 6 PERMITS – OTHER**

### **SECTION 6.01 GATES**

- A. Gates across public right of way shall be unlocked indefinitely. Gates across public easements may be locked as described in these regulations.
- B. Gates may be installed across public right-of-way or easement only when deemed necessary by the Precinct Commissioner. The gate shall be at least 10' wide, be free of obstructions above the gate, constructed and kept in good working order, constructed so that opening and shutting the gate will not cause unnecessary delay to persons or emergency personnel using the road, and constructed with a fastening to hold the gate open until a person passes through it.
- C. An applicant proposing a locked gate across a public easement must provide two copies of the key and/or key code for any and all locks placed on the gate, provide an additional key and/or key code for any additional locks added after approval of the ROW permit, and/or provide an updated key and/or key code if the existing lock is replaced or changed after approval of the ROW permit.
- D. Gates within a public drainage easement shall be at least 50% open, such as a tube gate, or operate in such a manner to allow the passage of stormwater. Reference the Gillespie County Flood Damage Prevention Ordinance for additional requirements pertaining to gates proposed within a floodplain.
- E. Gates that impede County access to the easement are deemed non-compliant with these regulations and are subject to removal as stated under Section 1.04.

### **SECTION 6.02 MAILBOXES**

- A. Mailboxes shall be placed in a manner that does not interfere with the line of vision of motorists and shall be designed and positioned in accordance with Postmaster General Regulations. Information on mailbox size and construction standards can be found at <https://www.usps.com/manage/mailboxes.htm>.
- B. Standard mailboxes have a 4"x4" wooden support or a 2" diameter standard steel or aluminum pipe support buried no more than 24" deep. A ROW permit is only required where a non-standard mailbox design is proposed. Evidence of Postmaster General approval of the mailbox design and location is required to be submitted with the ROW permit application.
- C. Proposed mailbox design and location cannot create a public safety hazard.

### **SECTION 6.03 CATTLE GUARDS**

- A. Cattle guards shall be at least 6 feet in length, measured along the center line of the road, and at least 2 feet wider than the width of the pavement unless otherwise approved by the Precinct Commissioner.
- B. Cattle guard design, including but not limited to material type and spacing of deck members and support members, shall be adequate to support the daily traffic needs of the County Road. The support frame for cattle guards shall utilize a W12x14 beam on all sides with W12x14 support members spaced no more than 4'-0" on center. The W12x14 beams shall be welded together with a 6"x11"x1/4" steel plate. A 8"x1/4" steel plate shall be welded to the top flange of the W12x14 frame to create a boxed area for the decking. The decking shall utilize ripped W14x22 beams cut

with 1-3/16" saddles to support each deck member. Deck members shall be 2-3/8" steel pipe spaced no more than 6" on center and be welded into the saddles. The support frame and decking shall be two separate pieces. The decking shall be placed into the support frame and bolted to the support frame in two locations so that the decking may be removed for maintenance purposes. An alternate design may be approved on a case-by-case basis by the Precinct Commissioner.

- C. Cattle guards shall be designed to not impair or adversely affect drainage within the public ROW. Cattle guards with closed ends shall be provided with pit drainage.

#### **SECTION 6.04 OTHER**

- A. Other structures or heavy objects, such as monument signs or boulders, require approval prior to being placed in County ROW. These items shall be placed in a manner that does not interfere with the line of vision of motorists and shall be located at least 10' beyond the edge of the through traveled way.