

Texas Transportation Code

§ 251.003

Construction and Maintenance of Public Roads

- (a) The commissioners court of a county may:
- (1) make and enforce all necessary rules and orders for the construction and maintenance of public roads;
 - (2) hire the labor and purchase the machinery and equipment needed to construct and maintain public roads; and
 - (3) use any necessary material most convenient to build, repair, or maintain public roads, regardless of the location or extent of the material.
- (b) The court may enter any necessary order for the use of inmates of the county jails to work on the county roads or to build bridges.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Location: https://texas.public.law/statutes/tex._transp._code_section_251.003.


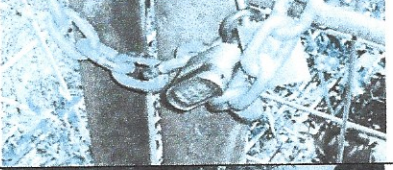

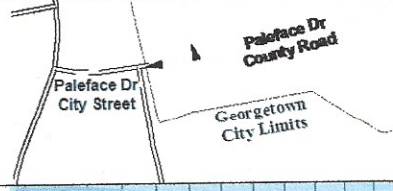

Original Source: § 251.003 — *Construction and Maintenance of Public Roads*, <http://www.statutes.legis.state.tx.us/Docs/TN/htm/TN.251.htm#251.003> (last accessed Jun. 7, 2021).

PUBLIC ROAD CRITERIA

What Constitutes a County Road?

The Texas Department of Transportation (TxDOT) maintains a Centerline file of county road locations and alignments in all 254 counties in Texas. These roads have been collected using a Global Positioning System (GPS) and are updated biennially. Information TxDOT collects about each road includes the road's name, aliases (if applicable), number of lanes, whether the road is one-way or two-way, surface type, length and a unique route number assigned in our office. The following is a generalized listing of the criteria for inclusion in this County Road file.

A County Road must be:

<p>clear of all obstructions</p>	<p>Transportation Code, Ch 251.008 states that a road must be clear of all obstructions. A road that has been platted but has not been Opened to the public is not a county road.</p>	
<p>open to the public</p>	<p>24 hours a day, 7 days a week. Posted hours of access are acceptable, such as Parks and Landfill hours of operation. See 23 U.S.C. 101 below.</p>	
<p>maintained by the county</p>	<p>Acceptance into the county maintenance inventory generally occurs after a Developer's Bond has expired, typically one to two years after the road has been opened.</p>	
<p>located outside of city limits and inside the county boundaries</p>	<p>City Limits are updated annually by TxDOT's mapping branch. County boundaries are maintained by the General Land Office.</p>	
<p>accessible</p>	<p>A county road must be open to the public and have connectivity to the road network. Locked gates and posted signs such as "KEEP OUT" or "PRIVATE PROPERTY," which are intended to limit access, will end TxDOT's inventory of a road. A road must also be free from barriers that preclude the passage of a standard passenger car (fallen trees, flowing water, stream erosion, etc.)</p>	

E-911 vs. County Roads: There are differences between the E-911 road system and County Roads (CR). First Responders might travel over Federal, State, County, City, Private Roads, Pathways, Driveways, and Alleys and may not distinguish “ownership.” E-911 roads are only concerned with getting from one point to another using all possible choices. In contrast, County Roads are a sub-set of the overall transportation network and are defined by the *responsibilities of construction and maintenance*.

Inter-Local Agreements: While a county may maintain a City Street, the obligation to do so lies in a written Inter-Local Agreement. A City Street is still owned by the city while the county is the sub-contractor that performs the work. The *responsibility* to do the maintenance is the city’s. Therefore, even if a city street is maintained by the county, it will not be considered part of the county’s road inventory.

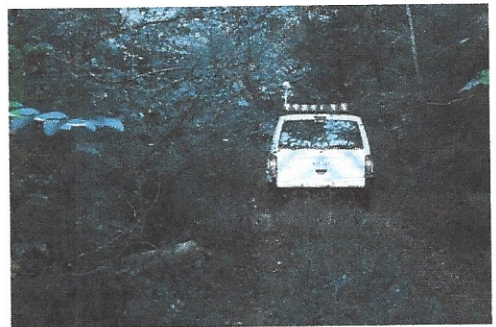
Private Roads, Driveways and Alleys: Driveways and private roads are owned and maintained by an individual, business, or other non-county entity and alleys are likely maintained by two adjoining property owners.



Definitions from the Federal Highway Administration’s Highway Performance Monitoring System Field Manual

Public Road: A public road is any road or street owned and maintained by a public authority and open to public travel. [23 U.S.C. 101(a)]. Under this definition, a ferryboat is not a public road.

- The term **maintenance** means the preservation of the entire highway, including surfaces, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway. [23 U.S.C. 101(a)]
- To be **open to public travel**, a road section must be available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight or class of registration. Toll plazas of public toll roads are not considered restrictive gates. [23 CFR 460.2(c)]
- A **public authority** is defined as a Federal, State, county, town or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities. [23 U.S.C. 101(a)]



SOURCE:

OMB No. 21250028

Office of Highway Policy Information

Federal Highway Administration, May 2005

<http://www.fhwa.dot.gov/ohim/hpmsmanl/hpms.cfm>