

Chapter 384. Unaccepted Substandard Roadway Specifications¹

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Subchapter A

384.001 (Purpose of Roadway Specifications)²

These specifications are hereby adopted by the Commissioners Court of Travis County, Texas, and will control the construction of all unaccepted roads, streets and drainage systems within Travis County. Notice is hereby given, that by adoption of these specifications, that Travis County will not accept for maintenance any road, street or drainage system unless and until all the terms and conditions of these specifications have been met and fully complied with and the road, street, or drainage system has been inspected and approved by the County Executive of Travis County Transportation and Natural Resources ("TNR") or their designee.

TNR shall determine design requirements on a project-by-project basis. Design requirements shall be based upon authoritative design guidelines, generally accepted engineering principles, and the best professional engineering judgment.

The County is not a private developer and will not construct a road for the economic benefit of private developers.

In addition, the County's Unaccepted Substandard Road Program is not a road construction program, but instead is a program to improve existing unaccepted substandard roads to Travis County standards for acceptance for maintenance.

¹ Chapter 84 was adopted 3/8/1995 (Item 3) and renamed on 12/09/1997, Item #3. Chapter 84 was renumbered as Chapter 384 on June 1, 2018 (approved May 7, 2018, Item 7). "Executive Manager" was changed to "County Executive" throughout May 29, 2018, Item 8.

² 384.001 was amended by Travis County Commissioners Court on 5/16/2006, Item #24.

384.002 Right of Way³

All roads and streets, hereafter collectively referred to as “roads” and “roadways,” shall be provided with right-of-way width of not less than fifty (50) feet between property lines or wider if determined by TNR to be necessary for meeting the requirements of site topography, roadway and roadway drainage maintenance, roadway safety concerns, and any other relevant factors.

Any additional right-of-way or easements required for drainage ditches, including lateral drainage ditches, to control surface water or to provide minimum sight distances shall be dedicated by the property owners to satisfy design conditions. The right-of-way should be cleared of obstacles located adjacent to the edge of the roadway driving surface in accordance with the provisions of the Travis County Code regarding obstacles in the right-of-way that cannot be removed unless, TNR indicates otherwise in writing.

384.003 Grading⁴

The grading of all roads shall be completed to suitable widths and grades determined by TNR to be appropriate for the proposed speed limit, expected traffic volume, and requirements for pavement, site distance, safe access, and drainage.

384.004 Drainage Structures⁵

Whenever or wherever drainage structures may be required to pass surface water under any road, such drainage structures shall be pipes, box culverts or bridges of sizes sufficient to convey the 25-year rainfall without overtopping the roads.

Drainage structures shall be constructed of concrete and/or steel.

Where side ditches occur along any road, all existing driveway entrances shall be provided with adequate concrete or steel pipes with safety and treatments under the drives, or in cases of shallow ditches, with concrete dip-type entrances. Except under roads and driveways, no underground storm sewers will be required unless unusual local conditions exist. In general, open drainage ditches are considered to be satisfactory under these specifications.

384.005 Surfacing⁶

Asphalt surface paving will be required for all roadways.

Surfacing of the graded roads shall be completed to provide for all-weather travel by the addition of acceptable road gravel or caliche to the graded sections.

The surfacing material, consisting of one and one-half inches (1½) HMAC, or one or two course surface treatment, shall be determined by TNR and shall be applied to the roads

³ 384.002 was amended 5/16/2006, Item 24.

⁴ 384.003 was amended 5/16/2006, Item 24.

⁵ 384.004 was amended 5/16/2006, Item 24.

⁶ 384.005 was amended 5/16/2006, Item 24.

for the full width of drivable surface. The required thickness of flexible base shall be determined by TNR and based upon the results of an analysis of soil conditions and anticipated traffic loading. The thickness may vary to suit the character of the natural graded soils.

All road base shall be graded to a satisfactory road section and shall be rolled and compacted to secure a dense foundation for surface paving.

384.006 Drainage⁷

A proper and adequate system of drainage ditches shall be constructed to effectively dispose of roadway water occasioned by normal rainfall, as well as all water in the roadway bar ditches. This drainage system shall be capable of receiving and satisfactorily conveying drainage coming into the bar ditches from lots or other property offered for sale to the public.

Drainage outfalls are to be into natural drainage features and/or property for which appropriate easements are dedicated.

Subchapter B. Unaccepted Substandard Road Criteria for Acceptance

384.007 Basic Eligibility Requirements⁸

- (a) The existing road must be dedicated to the public and located in the unincorporated areas of Travis County. The right-of-way shall have been dedicated to the public prior to December 9, 1997, the effective date of these revised standards. If there is no dedication instrument for an existing road, which is alleged to have been dedicated to the public, the facts of public use and the dedication, including but not limited to the opening, construction, maintenance, fencing, public service vehicle use, public utility use, and other general public use of the Road, must be presented to the County in the petition requesting inclusion of the Road in the Program. The County Attorney's Office will review the facts and make a recommendation to the Commissioners Court for its administrative determination as to public roads status.
- (b) The roadway must connect to an existing road or highway maintained by a public entity.
- (c) No person or entity may own or control (financially or legally) 35% or more of the lots or 35% or more of the linear feet or roadway frontage abutting the unaccepted substandard roadway unless such owner pays a proportionate share of the cost of completing the required improvements. The amount to be paid shall be determined on a case-by-case basis.

⁷ 384.006 was amended 5/16/2006, Item 24.

⁸ 384.007 was amended 5/16/2006, Item 24.

- (d) The number of developed lots abutting the roadway must exceed 25% of the total lots abutting the roadway. An exception may be made for subdivision arterial and collector streets on a case-by-case basis.
- (e) Dead-end streets shall terminate in a cul-de-sac with a minimum ROW radius of 40 feet or a hammerhead turnaround.

384.008 Public's Responsibility⁹

(a) The owners of the majority of the property abutting the substandard road must petition the Commissioners Court to consider the inclusion of the substandard road into this program. An exception may be made for collector and arterial streets in which case a majority of the property owners that use the street may petition the Court. The form of the petition is attached hereto as Exhibit "A," provided however, that the Court may consider a petition, which is in another form, if sufficient information is presented to make an informed decision.

(b) The property owners must dedicated any additional right-of-way, slope and drainage easements and sight distance easements required to meet acceptable engineering standards, as determined by TNR.

To facilitate such determination the property owners must identify all existing problems with drainage, erosion, and slope stability, and traffic safety which they are aware of at the time they present their petition.

One hundred percent of the right-of-way and easements in order to provide for the construction and maintenance of the roadway must be dedicated to the County on County-approved forms and free and clear of any and all liens or other conditions or reservation which in the opinion of the County Attorney's Office may impact the County's ability to use the right-of-way.

Property owners must sign all easement and/or right-of-way dedication documents within ninety days of receiving the documents from TNR or the road will be withdrawn from consideration for the then current year's Substandard Road Program.

(c) As required by TNR, the property owners must either remove or relocate any private improvements from the right-of-way or easement at the property owner's expense. Furthermore, each property owner must agree to allow the County in its discretion to demolish and remove those private improvements that the property owner does not remove or relocate.

Private improvements include, but are not limited to fences, decorative walls, sheds, basketball goals, masonry mailboxes, and other improvements which would interfere with construction activities or present a safety concern. Mitigating a significant private improvement that is impractical to move, such as large walls and fixed buildings, could require the property owner(s) to

⁹ 384.008 was amended 5/16/2006, Item 24.

dedicate additional right-of-way, eliminate a portion of the project from acceptance, enter into a license agreement, or terminate the project.

- (d) Property owners may offer to share the cost of the required road improvements and their road will be given a higher priority over non-cost-participation roadways. Cost participation may be by direct payments to the County road assessments as set forth in section 482.402 of the Travis County Code, or by agreement of the Commissioners Court.
- (e) Property owners must submit with their petition a statement from all their utility service providers indicating whether or not they have utility lines located within 25' (unless otherwise specified by TNR) left and right of the centerline of the existing roadway or in drainage easements. The statement should include the utility service provider's assessment of the location of their service lines (horizontally and vertically); their procedures and requirements for relocating or protecting their lines (including time requirements); and the extent of their responsibility for performing and paying for the relocation or protection work. Responsibility for utility relocation costs must be determined prior to beginning design of the roadway improvements.

384.009 TNR's Responsibility¹⁰

- (a) Certify that the subdivision streets meet the basic eligibility criteria set forth above, by records research and preliminary field survey.
- (b) Prepare preliminary cost estimates of roadway and drainage reconstruction.
- (c) Submits candidate list to Commissioners Court for selection of projects for detailed staff work.
- (d) Perform topographic, hydrologic and right-of-way survey on each selected road.
- (e) Prepare engineering design; acquire temporary construction easements, or additional ROW easements as required; coordinate utility relocations.
- (f) Prepare bid documentation, advertise and analyze bids for projects.
- (g) Recommend acceptance of roads subject to bids.
- (h) Recommend award of and administer construction contract.
- (i) Review all applications and prioritize the streets to be considered for inclusion in this Program based upon when the application was received and on the following:
 - (1) The amount of costs voluntarily borne by the property owner based upon a percentage of total costs;
 - (2) The number of eligibility criteria met;
 - (3) The cost per resident to bring the street to minimum standards; and

¹⁰ 384.009 was amended 5/16/2006, Item 24.

- (4) The extent as to whether the road links the publically maintained roadway system.
- (j) Use of the following procedures to select, design, and construct Unaccepted Substandard Roads:
- (1) Review all application form for accuracy.
 - (2) Prepare cost estimates for roadways for which application are received.
 - (3) Prioritize applications using the criteria in (i)(1)-(4) of these standards.
 - (4) Meet with qualified applicants to explain public responsibility and possible impact of the project.
 - (5) Submit candidate roadways to the Commissioners Court for approval of funding and authorization to begin design.
 - (6) Prepare design plans to identify additional right-of-way and/or easements and prepare necessary dedication documents.
 - (7) Transmit easement dedication documents to property owners by hand delivery or certified mail along with a notice to property owners indicating that sign documents must be returned to TNR within 90 days or TNR will recommend to the Commissioners Court that the project be cancelled.
 - (8) If all dedication documents are received, complete the project design and proceed to award and construct the project in accordance with County Policies and Procedures [Travis County Code].
 - (9) If the project is cancelled then submit a substitute project of equal value within the same precinct to the Court for approval. If a substitute project of equal value is not available then recommend to the Court that the funds either be released or held to be combined with a future funding request.

384.010 Commissioners Court Responsibility¹¹

- (a) Determine whether to accept the streets and use available funds specifically budgeted for the Unaccepted Substandard Road Program for construction of the improvements needed to bring streets into acceptable condition.
- (b) Adopt design standards and acceptance criteria for unaccepted substandard roads.
- (c) Approve request for Road Assessments pursuant to section 482.402 of the Travis County Code.

¹¹ 384.010 was amended 5/16/2006, Item 24.

384.011 Use of Other Standard

The County Executive of TNR may submit approve the use of other design standards. The use of other standards, which differ from these Unaccepted Substandard Road Criteria for Acceptance, must be submitted to the Commissioners Court for approval.

384.012 Exhibit "A"¹²

**PETITION TO THE TRAVIS COUNTY COMMISSIONERS COURT
FOR THE INCLUSION of _____
IN THE TRAVIS COUNTY
UNACCEPTED SUBSTANDARD ROAD PROGRAM
STATE OF TEXAS
COUNTY OF TRAVIS
TO THE COMMISSIONERS COURT OF TRAVIS COUNTY:**

WE, THE UNDERSIGNED PROPERTY OWNERS, who own the majority of the linear feet of the property abutting the right-of-way of _____ an existing road or street, which has been dedicated to the public by (____) plat, (____) separate dedicatory instrument, or (____) other legal means (the "Road"), dated _____ (insert date), hereby petition the Commissioners Court for the inclusion of the Road in the Travis County Unaccepted Substandard Road Program.

If the road has been dedicated by other legal means, please set forth the facts of such dedication (use additional pages, if necessary):

It is understood and agreed that:

- (1) The Travis County Unaccepted Substandard Road Program is not a road construction program, but is instead a program to improve existing unaccepted substandard roads to Travis County standards for acceptance for maintenance.
- (2) The Owners of property along the Road will be required to dedicate any and all additional right-of-way and easements needed to accommodate the Road improvements at no cost to the County and free and clear of any and all liens, conditions, or restrictions.
- (3) The Owners must sign all easement and/or right-of-way dedication documents and return the documents Travis County Transportation and Natural Resources ("TNR") within ninety days of receiving the documents

¹² Exhibit A was amended 5/16/2006, Item 24.

from TNR or the Road will be withdrawn from consideration for the then current year's program.

- (4) The Road must connect to an existing road or highway maintained by a public entity.
- (5) No person or entity may own or control (financially or legally) 35% or more of the linear feet or roadway frontage or 35% or more of the lots or 35% abutting the unaccepted substandard roadway unless such owner pays a proportionate share of the costs of completing the required improvements. The amount to be paid shall be determined on a case-by-case basis.
- (6) The number of developed lots abutting the roadway must exceed 25% of the total lots adjacent to the roadway. An exception may be made for subdivision arterial and collector streets on a case-by-case basis.
- (7) Dead-end streets shall terminate in a cul-de-sac with a minimum ROW radius of 40 feet on a hammerhead turnaround.
- (8) As required by TNR, the property owners must either remove or relocate any private improvements from the right-of-way or easement at the property owner's expense. Furthermore, the property owner must agree to allow the County, in its discretion to demolish and remove those private improvements that the property owner does not remove or relocate. Private improvements include, but are not limited to, fences, decorative walls, sheds, basketball goals, masonry mailboxes, and other improvements, which would interfere with construction activities or present a safety concern. Mitigating a significant private improvement that is impractical to move, such as large walls and fixed buildings could require the property owner(s) to dedicate additional right-of-way, eliminate a portion of the project from acceptance, enter into a license agreement, or terminate the project.
- 9) The owners may cost participate in the improvement of the Road by direct payment to the County, by road assessment set forth in section 482.402 of the Travis County Code, or otherwise by agreement of the Commissioners Court.
- 10) Property owners must submit with their petition a statement from all of their utility service providers indicating whether or not they have utility lines located within 25' (unless otherwise specified by TNR) left and right of the centerline of the existing roadway or in drainage easements. The statement should include the utility service provider's assessment of the location of their service lines (horizontally and vertically); their procedures and requirements for relocating or protecting their lines (including time requirements); and the extent of the responsibility for performing and paying for the relocation or protection work.
- 11) The Road will be prioritized within the Program on the basis of:
 - 1) The percent of the cost voluntarily borne by the property owners.
 - 2) The number of eligibility criteria met;
 - 3) The cost per resident;

- 4) Whether the road links the publicly maintained roadway system;
- 5) When the petition was received.

If applicable, the Owners propose to cost participate by (___) direct payment to the County, (___) by road assessment as set forth in section 482.402 of the Travis County Code, or (___) otherwise by agreement of the Commissioners Court.

SUBMITTED TO THE COMMISSIONERS COURT BY THE BELOW NAMED OWNERS OF LAND ABUTTING THE ROAD AND EXECUTED ON THE DATES INDICATED BELOW WITH AN ADDITIONAL NOTATION INDICATING IF THE ROADWAY PROVIDES THE SOLE MEANS OF ACCESS TO THEIR RESIDENCE.