

STATE OF TEXAS §

COUNTY OF SMITH §

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**ORDER OF COMMISSIONERS COURT  
OF SMITH COUNTY, TEXAS  
SETTING POLICY FOR  
DRIVEWAY CULVERTS  
IN COUNTY RIGHT-OF-WAY**

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Pursuant to the Laws and Rules of the State of Texas, the Texas Transportation Code (Chapter 251, Section 251.016<sup>1</sup>), the Texas Local Government Code (Chapter 232, Section 232.007(c)(1)), the Texas Health & Safety Code (Chapter 121, Section 121.003), and the common law granting Smith County authority to regulate the public health and safety, the Commissioners Court of Smith County finds that it is necessary to impose reasonable policies pertaining to driveway culverts and drainage within Smith County right-of-way.

**IT IS THEREFORE ORDERED THAT** the following policies are adopted:

- A culvert must be of sufficient size to allow water to flow, at its natural rate at its normal peak level, from one side of the driveway to the other;<sup>2</sup>
- Driveway culvert pipes shall be a minimum size of fifteen (15) inches in diameter but may need to be larger depending on the natural flow at the location in question. It is recommended that the property owner contact the Smith County Road & Bridge Department to receive a recommendation on

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<sup>1</sup> The commissioners court of a county may exercise general control over all roads, highways, and bridges in the county. Tex. Transp. Code § 251.016.

<sup>2</sup> Tex. Transp. Code § 254.006(c).

appropriate culvert diameter size in any case where it appears that a fifteen (15) inch culvert will not be sufficient to allow for necessary water flow;

- For residential property, driveway culvert pipes shall be a minimum of twenty (20) feet in length and not more than forty (40) feet in length;
- For commercial property, driveway culvert pipes shall be a minimum of twenty (20) feet in length and not more than eighty (80) feet in length;
- Driveway culverts shall be designed to carry a ten-year storm, with the headwater depth not exceeding a height equal to the diameter of the pipe;
- The property owner shall be responsible for purchase costs (approved culvert pipe) of new culvert installations, and Smith County will only provide initial new installation labor (setting the culvert, back fill with clay, covering with gravel or paving or finished surface above gravel). After the new installation, the property owner is solely responsible for any necessary maintenance and repairs (including both culvert and driveway);
- If any Smith County culvert covered by this policy is not in compliance with the minimum specifications set forth herein, Smith County reserves the right to remove the culvert in question, and Smith County also reserves the right to take any necessary corrective measures within county-owned right-of-way to address drainage or water flow or similar concerns;
- To the extent this driveway culvert policy conflicts with the Smith County Subdivision Regulations (as amended), the subdivision regulations preempt this policy with regard to culverts or driveways located within subdivisions; however, Smith County reserves the right to limit public funds used for culvert installations and maintenance through the county's platting authority in new subdivision developments; and
- The intent of this policy is that Smith County will not incur on-going maintenance costs after generally providing labor for initial culvert installation in the unincorporated areas of the county.

**IT IS FURTHER ORDERED THAT** that the Smith County Road & Bridge

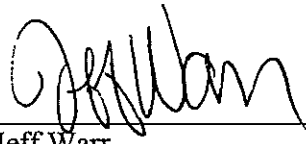
Department is directed to assist any Smith County property owner falling under this policy with

clarification of the proper culvert sizing by making an inspection and informing the property owner of the necessary culvert size for their driveway upon request.

Signed this 22nd day of March, 2012.



Joel P. Baker  
Smith County Judge



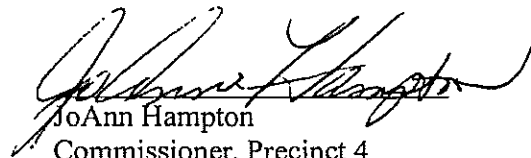
Jeff Warr  
Commissioner, Precinct 1



Terry Phillips  
Commissioner, Precinct 3



Cary Nix  
Commissioner, Precinct 2



JoAnn Hampton  
Commissioner, Precinct 4