

STATE OF TEXAS

COUNTY OF ORANGE

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ORANGE COUNTY COMMISSIONERS' COURT

**RESOLUTION AND ORDER ADOPTING
REVISED CULVERT / DRIVEWAY POLICY FOR ORANGE COUNTY**

WHEREAS, Chapter 251 of the Texas Transportation Code, Chapter 232 of the Local Government Code, and Section 240.901 of the Health and Safety Code grant the Orange County Commissioners Court the necessary authority adopt to the attached policy for culverts and driveways;

WHEREAS, the Court has determined that there exists a need to revise the current Culvert/Driveway Policy in order to preserve public health, safety, and welfare of its citizens as well as to prevent damage to public and private property from flooding caused by substandard or improperly installed culverts and the displacement of water due to an excessive amount of culverts being installed on Orange County rights of way; and

WHEREAS, the Court FINDS that the adoption of the attached Revised Culvert/Driveway Policy is in the best interest of the County and its Citizens.


NOW THEREFORE, BE IT RESOLVED AND ORDERED that

- (1) The attached Orange County Culvert / Driveway Policy is hereby adopted; and
- (2) The Revised Culvert/Driveway Policy shall be immediately effective, and shall preempt all previous or existing culvert/driveway policies.

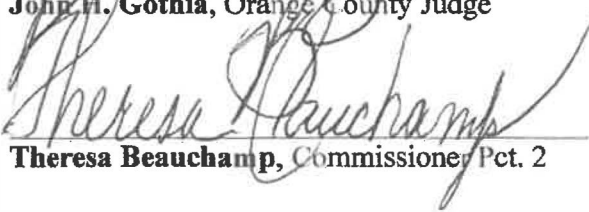
PASSED AND APPROVED by the Orange County Commissioners Court on this 5th day of APRIL, 2022, by a vote of 5 ayes, 0 nays, and 0 abstentions.



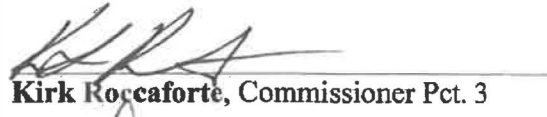
John H. Gothia, Orange County Judge



Johnny A. Trahan, Commissioner Pct. 1



Theresa Beauchamp, Commissioner Pct. 2



Kirk Roccaforte, Commissioner Pct. 3



Robert L. Viator, Commissioner Pct. 4



Attest: **Brandy Robertson**, Orange County Clerk
or her deputy clerk

ORANGE COUNTY CULVERT / DRIVEWAY POLICY

(As Revised and Adopted April 5, 2022)

I. AUTHORITY

- 1.01 This Policy is adopted by the Orange County Commissioners Court pursuant to Chapter 251, Texas Transportation Code; Chapter 254, Texas Transportation Code; and Section 121.003 of the Texas Health & Safety Code.

II. JURISDICTION AND COVERED AREAS

- 2.01 This Policy applies to all County owned/maintained roads and rights of way, and only to such rights of way.
- 2.02 Orange County does not install culverts on any private, City, or State owned/maintained roads, highways, or Farm to Market road rights of way.
- 2.03 The area covered will be limited to the portion of Orange County's right of way between the roadway edges to private property (the ditch) and cannot include any portion of private property beyond the County's right of way.

III. DELEGATION OF AUTHORITY TO ORANGE COUNTY ENGINEER

- 3.01 The Orange County Commissioners Court delegates the authority for interpretation, implementation, and enforcement of this Policy to the Orange County Road and Bridge Department, by and through the Orange County Engineer.

IV. PERMIT INSTALLATION REQUIRED

- 4.01 Any Property Owner within the Jurisdiction of this Policy who desires to have installed one or more culverts within a County right of way shall apply for a permit through Orange County Road and Bridge Department (hereinafter Road and Bridge).
- 4.02 The Permit Application must be reviewed and approved by Road and Bridge before any culverts may be installed.
- 4.03 Each Permit Application will be reviewed for approval on a case-by-case basis.

V. PENALTY FOR FAILURE TO OBTAIN PERMIT OR NON-COUNTY INSTALLATION

- 5.01 Any Property Owner found to have, after the effective date of this Policy, installed or had installed a culvert or driveway within or across a County owned/maintained right of way without a permit as provided herein shall pay a Post Installation Permit Fee as set forth on the attached Fee Schedule.

- 5.02 Such Property Owner shall further adhere to all directions or instructions from Road and Bridge to ensure that the culvert does not hinder drainage and is otherwise in compliance with the required minimum standards.
- 5.03 Failure to pay the required fee and/or adhere to Road and Bridge instructions and specifications may result in the removal of offending culverts at the Property Owner's expense.

VI. INSTALLATION

- 6.01 All culverts within or across an Orange County right of way shall be installed by Road and Bridge; no Property Owner may install culverts himself or have culverts installed by a third party. (*See attached Fee Schedule.*) In addition to any other penalties or fees provided herein, installation of a culvert in violation of this provision may result in the removal or replacement of the culvert, as deemed necessary by the Orange County Engineer or his assigned Representative, at the Property Owner's expense.
- 6.02 Upon completion of a permit application and payment of the Application Fee, the County Engineer or his assigned Representative will determine the proper size culvert for the project. All culverts shall be a minimum of 15" for residential/driveway and 18" for commercial driveways; provided, however, that larger culverts may be needed depending on the natural flow of water at the location in question. The final determination as to culvert size shall be made by the County Engineer or assigned Representative, in his sole discretion.
- 6.03 Orange County recommends that reinforced concrete or quarter-inch (1/4"+) steel culverts be used for all driveways.
 - a. If the Property Owner, despite the above recommendation, chooses to use plastic culverts, said Owner will be required to sign a waiver affirming that he or she shall be solely responsible for correcting any issues that may occur from the use of such culverts.
 - b. Further, in the event that such culvert is damaged or is later found to be obstructing the normal flow of water, Orange County reserves the right to remove said culverts. (Fees may be associated with the removal and/or resetting of said culverts).
 - c. For commercial driveways, the use of reinforced concrete or steel is a requirement, not a recommendation.
- 6.04 The Property Owner is solely responsible for furnishing all culverts and materials required by Road and Bridge to be installed, including both purchase and delivery. Orange County will not purchase, pick up, or deliver any culverts or materials.
- 6.05 For all culvert installation, the type of bedding and cover material used will be within the sole discretion of Orange County.
 - a. In the event that a Property Owner desires a material that is not normally used by Orange County (such as stabilized sand, 60/40, etc.), the Property Owner shall obtain pre-approval from Road and Bridge prior to the commencement of the installation.

- b. In such event, the Property Owner is responsible for the purchase and delivery of the materials to the job site. Delays in delivery shall not interfere with Road and Bridge's work schedule.
 - c. If the Property Owner chooses to use concrete, asphalt, or other similar material to cover driveway culverts, he or she shall take the necessary steps to have expansion joints at a minimum of three feet (3') from centerline of culverts on each side, in the event that removal of the culvert is ever necessary.
- 6.06 All required fees must be paid in full prior to any work commencing. Further, any special conditions concerning culverts being installed shall be pre-arranged and approved before any work commences.
- 6.07 Culvert installation may require proof of property ownership, and shall provide certain standard access lengths, depending on the property type.
- a. **Residential:** Residential access shall be a minimum of 20.00 ft. in width.
 - i. Residential Property owners with 100.00 ft. or less of frontage may install culverts up to a maximum of 25.00 ft. of their frontage.
 - ii. Property owners with frontage over 100.00 ft. may install up to a maximum of 25% of their frontage.
 - b. **Commercial:** Commercial access shall be a minimum of 20.00 ft. in width.
 - i. Commercial Property owners with 100.00 ft. or less of frontage may install culvert(s) up to a maximum of 40.00 ft. of their frontage.
 - ii. Commercial Property owners with frontage over 100.00 ft. may install up to maximum of 40% of their frontage.
- 6.08 It is the responsibility of the Property Owner to clearly mark where the new culvert is to be installed, subject to Road and Bridge approval, prior to installation. Such markers should be durable and readily visible.
- 6.09 It is the responsibility of the Property Owner to notify Road and Bridge when the culverts and all required materials have been delivered to the project site.
- 6.10 **Cleanouts.** Culvert installation greater than 50.00 ft. in length will require grate inlets; the maximum distance between cleanouts shall not exceed 50.00 ft. center to center. Grate inlets within a driveway shall be a concrete catch basin with a square grate. All inlets shall be purchased by owner and installed by Orange County.
- 6.11 **Watershed.** The installation of culverts shall not for any reason cause the watershed to drain onto a County road or down the edge of such road. Necessary steps shall be taken to avoid excess water draining to the roadway.

VII. PROPERTY OWNER'S RESPONSIBILITIES

- 7.01 Following culvert installation, the Property Owner assumes all responsibility for keeping the inside and ends of said culvert free of any obstructions.
- 7.02 Where a culvert within any County owned right of way is found to be obstructing the normal flow of water and causing damage to or flooding of the roadway or other property, and the Property Owner is unwilling or unable to correct the problem, Orange County reserves the right to take any action it deems necessary to address drainage or similar concerns, including the removal of the culvert.

VIII. REMOVAL, MODIFICATION, AND/OR REPLACEMENT

- 8.01 Fees may be associated with the removal, modification, and/or resetting of culverts.
- 8.02 **Removal.** Removal by Road and Bridge of any culvert on an Orange County right of way for any reason shall subject the Property Owner to the cost of removal.
 - a. Removed culverts will be placed on the Owner's property.
 - b. In the event that there is insufficient space to place the culvert on the Owner's property, Road and Bridge reserves the right to transport the culvert to the Precinct Barn location for that area. It shall thereafter be the responsibility of the Property Owner to coordinate retrieval of the culvert with the appropriate Precinct Foreman.
- 8.03 **Modification.** Any modification, alteration, or removal of existing culverts installed prior to the adoption of these regulations, shall subject said culvert(s) to the regulations herein.
- 8.04 **Replacement.** If Orange County determines that a culvert installed on its right of way needs to be replaced and Orange County furnishes the replacement culvert, the removed culvert becomes property of Orange County.
- 8.05 **Replacement of Driveway Material.** Orange County reserves the right to replace the portion of driveway surface removed with any material Orange County deems suitable.
- 8.06 **Necessity & Assessment.** Orange County reserves the right to remove and/or replace any culvert in or across an Orange County right of way that is found to be hindering drainage, causing damage to other property, and/or otherwise not in compliance with the required minimum standards.
 - a. If the County Engineer determines that it is necessary to remove a driveway or culvert that serves as the only access to a lot or tract of property and removal would cause a hardship to the Property Owner, Orange County reserves the right to remove and replace said culvert at the Owner's expense. The owner will be liable for the cost of the new culverts and materials, as well as removal and installation costs.
 - b. If the County Engineer determines that it is necessary to remove a driveway or culvert in any other instance, Orange County reserves the right to remove, without replacing, said culvert at the Owner's expense.

IX. MISCELLANEOUS

- 9.01 **Variance.** Any variance from this Policy or the regulations herein shall be reviewed by the Orange County Engineer and may be granted at his or her sole discretion. (For example, if a variance to the regulations herein would improve drainage or safety issues, impede damage to public or private property, a variance may be granted).
- a. A fee for a variance review must be paid before any investigation into the feasibility of variance.
 - b. In the event that the granting of a variance results in substantially increased costs to Orange County, the Property Owner may be required to pay additional costs over and above the standard Culvert Installation Fee, as set forth in the Fee Schedule. In such event, additional costs will be agreed upon between the County and the Property Owner prior to the commencement of work.
- 9.02 **New or Re-Platted Subdivisions.** In the event that a Property Owner intends to divide a tract of real property into two or more parts, the Property Owner may, prior to the County's acceptance of any roads within the subdivision, apply for permits and have culverts installed by Road and Bridge under this Policy. Any subdividing Property Owner who chooses to install or have installed culverts in a proposed subdivision outside of the requirements of this Policy is advised that such installation may result in (a) delays in the approval of the proposed subdivision and/or the County's acceptance of any roads therein, pending verification of the adequacy and appropriate installation of all culverts there, as well as (b) the incurring of additional costs and expenses to correct any deficiencies with regard to the installed culverts prior to County approval.
- 9.03 **Conflict.** To the extent that any provision of this Policy directly conflicts with any other County regulations, it shall be within the sole discretion of the Orange County Engineer as to which policy shall be given preemptive status, with the best interest of the County in mind.
- 9.04 **Intent.** The express intent of this Policy is that Orange County will not incur ongoing maintenance costs after generally providing labor for initial culvert installation in the unincorporated areas of the County.
- 9.05 **INDEMNIFICATION.** THE PROPERTY OWNER / APPLICANT OR ANY REPRESENTATIVE OF APPLICANT/OWNER SHALL HOLD HARMLESS ORANGE COUNTY, AND ITS DULY APPOINTED AGENTS AND EMPLOYEES, AGAINST ANY ACTION, INCLUDING BUT NOT LIMITED TO PERSONAL INJURY OR PROPERTY DAMAGE SUSTAINED BY REASON OF THE EXERCISE OF THE PERMIT OR THE REGULATIONS HEREIN.

FEE SCHEDULE

PERMIT FEE TO INSTALL CULVERT ON COUNTY RIGHT-OF-WAY

ORANGE COUNTY APPLICATION FEE	\$ 25.00
POST-INSTALLATION PERMIT FEE.....	\$ 650.00
VARIANCE FEE (<i>per application/modification</i>):	\$ 250.00
TEMPORARY CULVERT	\$ 100.00

FEEES FOR ORANGE COUNTY TO INSTALL CULVERT(S) ON COUNTY RIGHT-OF-WAY

DRIVEWAY CULVERTS

CULVERT INSTALLATION (initial 20 ft.):.....	\$ 600.00
(Includes one 8 yd. load of base, additional base @ \$ 30.00 per yd.)	
CULVERT REMOVAL.....	\$ 600.00
(Placed on owner's property where feasible)	
CULVERT EXTENSION (during initial trip, over 20 ft.):	\$ 30.00/ft.
(Includes base material at same rate as initial 20 ft., additional base 30 ft. per yd.)	
CULVERT INSTALLATION (after initial installation):	\$ 30.00/ft.
(Includes base material at same rate as initial 20 ft., requesting party may purchase additional base material from County@\$ 30.00 per yard)	

NON-DRIVEWAY CULVERTS (piping in ditch, includes cover dirt)

CULVERT INSTALLATION:	\$ 25.00/ft.
TEMPORARY CULVERT	\$ 100.00
(Temporary culvert in place 6 months. One time extension only).	

*AFTER INITIAL CULVERT INSTALLATION, A \$100.00 FEE WILL BE ASSESSED PER TRIP FOR ANY FUTURE REQUESTS.

Adopted: June 20, 2005
Revised: June 1, 2015
Revised: April 5, 2022

**ORANGE COUNTY WAIVER
TO INSTALL PLASTIC CORRUGATED HDPE PIPE CULVERTS
ON COUNTY RIGHT OF WAY**

Property Owner's Name: _____

Property Address: _____

Phone Number: _____

Orange County recommends that concrete pipe be used for driveways, because plastic pipe is subject to damage whenever vehicles or equipment is driven over it. If, despite the County's recommendation, you have chosen to use plastic pipe, the County will set the plastic corrugated HDPE pipe to grade and cover with dirt. You are hereby advised, however, that if the pipe floats or is damaged at any point after it is set, it is **YOUR SOLE RESPONSIBILITY** to contact the County to correct the problem, and that **ADDITIONAL FEES MAY APPLY** for such corrective action.

Your signature below indicates you **UNDERSTAND** the above regarding the use of plastic pipe and have chosen to **ACCEPT** the consequences of said use.

Signature of Property Owner

Date

Orange County Road and Bridge

Date

ORANGE COUNTY APPLICATION TO INSTALL CULVERTS ON COUNTY RIGHT OF WAY

PROPERTY OWNER IS RESPONSIBLE FOR ANY DRIVEWAY DAMAGE DUE TO HIS OR HER OWN NEGLIGENCE

By signature below, you affirm that you have read, understand, and agree to accept, be bound by, and comply with all terms and conditions set out in the Orange County Culvert Policy for Installation of Culverts within Orange County right of way, *including but not limited to the County's INDEMNIFICATION requirement.*

(Length Limits: Residential = minimum 20.00 ft. access, maximum 25.00 ft. or 25% of property frontage, Commercial = minimum 20.00 ft. access, maximum 40.00 ft. or 40% of property frontage.)

(Orange County does not sell or furnish culverts; requesting party is responsible for providing culverts).

Circle one: Driveway Application Driveway Extension Application Variance Application

Name: _____

Address: _____

Address of Culvert Installation: _____

Phone: _____ **Date:** _____

Signature: _____

Typically, new driveways will be installed within 10 working days of final approval. Unusual weather conditions and prior project commitments may cause additional delays. Driveway repairs and add-ons will be scheduled upon equipment availability. All fees must be paid in full prior to work beginning.

****DEPARTMENT USE ONLY****

APPLICATION FEE (one-time fee per location/project):	\$ 25.00	\$ _____
POST INSTALLATION PERMIT FEE:	\$ 650.00 (max.)	\$ _____
VARIANCE APPLICATION FEE (Non-Refundable):	\$ 250.00	\$ _____
TEMPORARY CULVERT:	\$ 100.00	\$ _____

Cash _____ **Credit #** _____ **Check #** _____

Completed by: _____

There is a \$ 25.00 charge for all returned Checks.

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Driveway Culvert Size: _____ **Inches**

Driveway Culvert: _____ **Footage**

OFFICE USE ONLY: _____ **Date**

RECEIPT # _____

WORK ORDER # _____

ORANGE COUNTY PERMIT TO INSTALL CULVERTS ON COUNTY RIGHT-OF-WAY

OWNER IS RESPONSIBLE FOR DRIVEWAY DAMAGE DUE TO HIS OR HER OWN NEGLIGENCE

By signature below, you affirm that you have read, understand, and agree to accept, be bound by, and comply with all terms and conditions set out in the Orange County Culvert Policy for Installation of Culverts within Orange County right of way, *including but not limited to the County's INDEMNIFICATION requirement.*

(Length Limits: Residential = minimum 20.00 ft. access, maximum 25.00 ft. or 25% of property frontage, Commercial = minimum 20.00 ft. access, maximum 40.00 ft. or 40% of property frontage.)

(Orange County does not sell or furnish culverts; requesting party is responsible for providing culverts).

Name: _____

Address: _____

Address of Culvert Installation: _____

Phone: _____ **Date:** _____

Signature: _____

Typically, new driveways will be installed within 10 working days of final approval. Unusual weather conditions and prior project commitments may cause additional delays. Driveway repairs and add-ons will be scheduled upon equipment availability. All fees must be paid in full prior to work beginning.

.....

****DEPARTMENT USE ONLY****

APPLICATION FEE (one-time fee per location/project):	\$ 25.00	\$ _____
POST INSTALLATION PERMIT FEE:	\$ 650.00 (max.)	\$ _____
Driveway Culvert (Initial 20 ft.):	\$ 600.00	\$ _____
Temporary Culvert	\$ 100.00	\$ _____
Driveway Removal	\$ 600.00	\$ _____
Trip Charge after Initial Installation (in addition to per ft. fee)	\$ 100.00	\$ _____
Driveway Culvert Extension _____ ft. @:	\$ 30.00/ft.	\$ _____
Driveway Replacement/Repair _____ ft. @:	\$ 30.00/ft.	\$ _____
Non-Driveway Culvert Extension _____ ft. @:	\$ 25.00/ft.	\$ _____
Non-Driveway Replacement/Repair _____ ft. @:	\$ 25.00/ft.	\$ _____
Additional Base Materials (per yard)	\$ 30.00/yd.	\$ _____
Cash _____ Credit # _____ Check# _____	TOTAL	\$ _____

Completed by: _____

There is a \$ 25.00 charge for all returned Checks.

OFFICE USE ONLY:
RECEIPT # _____
WORK ORDER # _____

Adopted: June 20, 2005
 Revised: April 5, 2022

PROCESS DATE COMPLETE: _____