

any injured person for damages caused by the person's conduct.

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

Sec. 252.216. DRAINAGE ALONG PUBLIC ROAD. (a) A commissioners court or, with the approval of the commissioners court, a road superintendent may authorize a person to make a drain along a public road to drain the person's property.

(b) The person must make the drain under the direction of the commissioners court, road superintendent, or a person designated by the commissioners court.

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

#### SUBCHAPTER D. COUNTY ROAD DEPARTMENT SYSTEM

Sec. 252.301. ADOPTION OF COUNTY ROAD DEPARTMENT SYSTEM. (a) A county may adopt this subchapter at an election held as provided by this section.

(b) The commissioners court shall submit the question of whether to adopt this subchapter to the voters of the county if it receives a petition signed by a number of registered voters of the county equal to at least 10 percent of the number of votes received in the county by all the candidates for governor in the most recent gubernatorial election. The court shall order the election to be held on the first authorized uniform election date prescribed by Subchapter A, Chapter 41, Election Code, that occurs after the 30th day after the date the petition is filed with the court. The ballot for the election shall be printed to permit voting for or against the proposition: "Adopting the Optional County Road System in \_\_\_\_\_ County."

(c) If the majority of the votes received in the election favor adoption, this subchapter takes effect in the county on the date the official result of the election is determined.

(d) A county that votes to adopt this subchapter may vote in the same manner to discontinue use of this subchapter.

(e) An election on the question of adopting or discontinuing use of this subchapter may not be held more often than every two

years.

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

Sec. 252.302. ORGANIZATION OF SYSTEM. (a) The county road department is responsible for the construction and maintenance of county roads.

(b) The county road department includes:

- (1) the commissioners court as the policy-making body;
- (2) the county road engineer as the chief executive officer;
- (3) other administrative personnel; and
- (4) road employees.

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

Sec. 252.303. COUNTYWIDE SYSTEM. In a county that adopts this subchapter, the construction and maintenance of county roads, the ownership and use of county road department equipment, materials, and supplies, and the administration of the county road department are to be based on the county as a whole without regard to commissioners' precincts.

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

Sec. 252.304. COUNTY ROAD ENGINEER OR ROAD ADMINISTRATOR.

(a) The commissioners court shall appoint a county road engineer, who must:

- (1) be a licensed professional engineer experienced in road construction and maintenance; and
- (2) meet the qualifications required by the Texas Department of Transportation for its district engineers.

(b) If the commissioners court is unable to employ a licensed professional engineer, it may employ a county road administrator to perform the duties of the county road engineer. The county road administrator must have had experience in road building or maintenance or other types of construction work qualifying the person to perform the duties of the position but need not have had

any particular amount of professional training or experience in engineering work.

(c) For purposes of this subchapter, a reference in another section of this subchapter to the county road engineer means the county road administrator.

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

Sec. 252.305. OATH; BONDS. (a) A county road engineer must take the official oath of office.

(b) As required by the commissioners court, the county road engineer and other administrative personnel of the county road department must give a bond in an amount and with a surety approved by the commissioners court. The county shall pay the premiums on the bond.

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

Sec. 252.306. SALARY OF COUNTY ROAD ENGINEER. A county road engineer shall receive an annual salary to be paid in equal monthly installments out of the county road and bridge fund.

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

Sec. 252.307. TERM AND REMOVAL. (a) A county road engineer holds the position for an indefinite term.

(b) A county road engineer may be removed by a majority vote of the commissioners court. The removal takes effect on the 30th day after the date the county road engineer receives written notice that the court intends to remove the engineer. The court shall hold a public hearing on the removal before the removal takes effect if the county road engineer requests a hearing in writing.

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

Sec. 252.308. COUNTY ROAD ENGINEER UNABLE TO PERFORM DUTIES. A commissioners court may designate a qualified administrative officer to perform the county road engineer's duties during any

period in which the county road engineer is absent or unable to perform those duties.

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

Sec. 252.309. POWERS AND DUTIES OF COUNTY ROAD ENGINEER. (a) The county road engineer is responsible to the commissioners court for the efficient and economical construction and maintenance of the county roads.

(b) The county road engineer may:

(1) appoint for an indefinite term and remove the county road department's personnel, subject to the approval of the commissioners court; and

(2) authorize administrative personnel to employ and remove subordinates.

(c) Except for the purpose of inquiry, the commissioners court shall deal with the county road department's personnel through the county road engineer.

(d) The county road engineer shall attend all meetings of the commissioners court relating to county road matters and may participate in the discussions and make recommendations.

(e) The county road engineer shall:

(1) ensure that the policies of the commissioners court relating to county roads are faithfully executed;

(2) supervise the administration of the county road department;

(3) prepare detailed annual budget estimates for the construction and maintenance of the county roads and the operation of the county road department;

(4) prepare estimates and specifications for the equipment, materials, supplies, and labor necessary for the construction and maintenance of the county roads and the operation of the county road department;

(5) serve as custodian of the equipment, materials, and supplies belonging to the county road department;

(6) prepare plans and specifications for county road construction and maintenance;

(7) maintain cost-accounting records of county road

department expenditures;

(8) keep an inventory of county road department equipment, materials, and supplies; and

(9) perform any other duties required by the commissioners court that are consistent with this subchapter.

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

Sec. 252.310. INSPECTIONS. The county road engineer shall inspect for the county the progress of work on a county road construction and maintenance project awarded to a private contractor.

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

Sec. 252.311. FUNDING. (a) Expenditures for the construction and maintenance of the county roads and the operation of the county road department shall be paid out of the county road and bridge fund strictly in accordance with annual budgeted appropriations.

(b) On application of the county road engineer, the commissioners court may transfer any part of an unencumbered appropriation balance for an item in the county road and bridge fund budget to another item.

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

Sec. 252.312. COMPETITIVE BIDDING. (a) Except as provided by Subsection (b), the commissioners court shall purchase the equipment, materials, and supplies for the county road department through competitive bidding in conformity with estimates and specifications prepared by the county road engineer.

(b) If the county road engineer so recommends and the commissioners court considers it to be in the best interest of the county, a purchase in an amount of \$25,000 or less may be made through negotiation by the commissioners court or the court's authorized representative on requisition to be approved by the commissioners court or the county auditor without advertising for

competitive bids.

(c) A purchase may not be divided or reduced to avoid the competitive bidding requirement on a purchase that would otherwise cost more than \$25,000.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 115, Sec. 3, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 675, Sec. 2, eff. June 13, 2001.

Sec. 252.313. PAYMENT OF CLAIMS. Before the commissioners court orders payment of a claim covering the purchase of equipment, materials, supplies, or services, including county road construction or maintenance, contracted for by the court, the county road engineer must certify in writing that the claim is correct and that:

(1) any equipment, materials, or supplies covered by the claim conform to specifications approved by the county road engineer and have been delivered in good condition;

(2) any county road department services contracted for by the commissioners court have been satisfactorily performed; and

(3) any county road construction or maintenance done under the contract conforms to the plans and specifications called for in the contract.

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

Sec. 252.314. DONATIONS. A commissioners court may accept donations of labor, money, or other property to aid in the building or maintaining of roads in the county.

Added by Acts 2013, 83rd Leg., R.S., Ch. 834 (H.B. 1384), Sec. 1, eff. June 14, 2013.