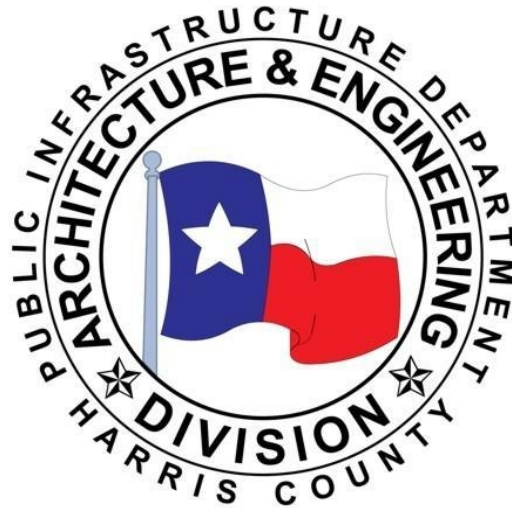


# HARRIS COUNTY ROAD LAW

Compiled & Indexed by the Office of

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County Attorney



Distributed By

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***HARRIS COUNTY ROAD LAW***  
(10/17/03)

**As Compiled by the Office of**

**MIKE STAFFORD**  
**County Attorney**

**Explanatory Note**

The *Harris County Road Law* was originally passed in 1913 as a Special Law by the 33rd Legislature pursuant to Tex. Const. art. VIII, §9. This constitutional provision authorizes the Legislature to pass local laws for the maintenance of the public roads and highways without the local notice required for special or local laws. The validity of the *Harris County Road Law* was recognized by the Court of Civil Appeals in *Hughes v. County Commissioners' Court of Harris County*, 35 S.W.2d 818 (Tex.Civ.App.—Houston [1<sup>st</sup> Dist] 1931, no writ).

In making this compilation, the original law and amendments have been set out verbatim as found in the session laws, although some inconsistency in the matter of capitalization and some typographical errors in the original bills as passed are evident.

This compilation has been made for the convenience of the office of the County Attorney of Harris County for reference purposes only. Anyone desiring the official text of any provision of the Harris County Road Law should consult the session laws of the State of Texas.

## **Section 1. [General purpose.]**

That, subject to the provisions of this Act, the Commissioners' Court of Harris County shall have control of all roads, bridges, drains, ditches, culverts and all works and constructions incident to its roads, bridges, and drainage, that have been heretofore laid out or constructed, or that may hereafter be laid out or constructed by Harris County, or under its direction. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64.*

### **Section 1-A. [Regulation of discharges into drainage ditches.]**

The Commissioners Court of Harris County may prohibit the discharge of sewage and municipal, recreational, agricultural, or industrial waste into drainage ditches in the right-of-way of county roads when such waste is not being discharged in accordance with a permit issued by the Texas Natural Resource Conservation Commission. The court may adopt rules to administer this section. *Act of May 29, 1983, 68<sup>th</sup> Leg., ch. 801, 1983 Tex. Gen. Laws 464; Act of May 26, 1999, 76<sup>th</sup> Leg., ch. 923, §1, 1999 Tex. Gen. Laws 3645.*

### **Section 1-B. [Placement of fatality markers.]**

To mark the location of a traffic accident that resulted in a fatality, the Commissioners Court of Harris County may design and place a marker or other sign in the right-of-way of:

- (1) a county road in the county; or
- (2) a state, city, or other public road in the county if the Commissioners Court has the written permission of the state agency, city, or other governmental entity that has primary responsibility for maintaining the road.

## **Section 2. [Regulation of construction and maintenance of roads, driveways, culverts, bridges and other structures in county road right-of-way; regulation of construction, maintenance, and repair of facilities in, under, across, or along right-of-way; collection of fees; remedies.]**

- (a) Subject to the provisions of this Act, the Commissioners Court of Harris County shall have the power and right to adopt such rules and regulations for:
  - (1) the proper construction and maintenance of its roads, bridges and drainage as it may see proper;
  - (2) the construction and maintenance of driveways, culverts, bridges, and other structures within the county road right-of-way to provide access to and from the traveled portion of the road to property adjoining such road which may include the following:
    - (A) to require any individual or entity to give notice to Harris County prior to the placement, removal, or relocation of driveways, culverts, bridges, and other structures within the county road right-of-way; or
    - (B) to set requirements for the size, type and location of such driveways, culverts, bridges and other structures within the county road right-of-way;
  - (3) the laying, constructing, maintaining and repairing of pipelines, lines, mains, cables, or other public utility facilities in, under, along, across, or over the county road right-of-way by any individual or entity authorized to do so by law, which may include the following:
    - (A) to require notice to Harris County prior to the laying, constructing, maintaining, or repair of said pipelines, mains, cables, or other public utility facilities within the county road right-of-way; or
    - (B) to set minimum requirements and conditions for such laying, constructing,

- maintaining and repairing of such pipelines, lines, mains, cables, or other public utility facilities in, under, across, and/or along such county road right-of-way;
  - (4) the drainage of land into a road, road right-of-way, or appurtenant drainage facility;
  - (5) the collection of reasonable fees set by the Commissioners Court from any person or entity required by such rules and regulations to give notice to Harris County.
- (b) Fees collected under Subsection (a)(b) of this section may be used only to defray the expense of administration of such rules and regulations promulgated by the Commissioners Court.
- (c) The Commissioners Court shall further have the power from to add to, alter, repeal, or amend said rules and regulations.
- (d) Any person who shall violate any provisions of any rules or regulations adopted by Commissioners Court pursuant to this section shall be guilty of a Class C misdemeanor.
- (e) A county may institute a civil suit in district court against a person who violates a rule or regulation adopted by the commissioners court under this section. On a finding that the person has violated, is violating, or is threatening to violate the rule or regulation, the court may:
  - (1) grant injunctive relief to restrain the person from engaging in or continuing the violation;
  - (2) impose a civil penalty payable to the county of not more than \$200; or
  - (3) grant the injunctive relief and impose the civil penalty.
- (f) When such rules and regulations are adopted, amended, or repealed, there shall be present at least three Commissioners and the County Judge. If two of the Commissioners are absent from regular weekly meeting of the Commissioners Court for as long as two days in succession, then upon the third day the Commissioners Court may, two Commissioners and the County Judge being present, act on any matter covered by this section as if three members and the County Judge were present. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64; Act of May 29, 1983, 68<sup>th</sup> Leg., ch. 801, 1983 Tex. Gen. Laws 4643; Act of May 26, 1999, 76<sup>th</sup> Leg., ch. 923, §2, 1999 Tex. Gen. Laws 3645.*

**Section 3. [Regulations recorded in the minutes of the Commissioners Court.]**

Whenever any rules, regulations or course of procedure in connection with the construction or maintenance of the roads, bridges, and drains of Harris County have been adopted, they shall thereupon be reduced to writing, approved by the County Judge and recorded by the clerk in the minutes of the Commissioners Court, and shall thereafter be binding. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64; Act of May 26, 1999, 76<sup>th</sup> Leg., ch. 923, §3, 1999 Tex. Gen. Laws 3645.*

**Section 4. [Office of ex-officio road commissioner abolished.]**

It is hereby specially provided that the office of ex-officio road Commissioner as now provided by law is hereby abolished in the County of Harris, and from and after the final passage of this Act the several Commissioners of Harris County shall cease to act as ex-officio road commissioners, and their bonds as such shall be null and void; except for their official acts prior to the date of final passage of this Act. *Id.*

**Section 5. [County Commissioner designated ex-officio precinct road supervisor.]**

From and after the passage of this Act, each county Commissioner shall be ex-officio a precinct road supervisor, and subject to the provisions of this Act, and under the orders and supervision of the Court, shall have charge of all teams, tools, equipment and property of all kinds committed to his care by the Court for work in his precinct, and shall superintend the laying out of all work of all

kinds in his precinct, subject to such control as the Court may see fit to provide. *Id.*

**Section 5-A. Repealed.**

*Act of May 26, 1999, 76<sup>th</sup> Leg., ch. 923, §5, 1999 Gen. Laws 3645.*

**Section 6. [Additional bond to be filed by each precinct road supervisor.]**

Before entering upon the duties of his office, each precinct Road Supervisor shall enter into a bond, in addition to his bond as County Commissioner, in the sum of Three Thousand Dollars (\$3,000), payable to the County Judge and his successors in office for the use and benefit of the Road and Bridge Fund, with two (2) or more good and sufficient sureties, who shall be either owners of unencumbered [*sic*] real estate in Harris County of the value of at least the full amount of the bond, or be a surety company having an agent in Harris County authorized by law to execute surety bonds, and having a capital stock of at least One Hundred Thousand Dollars (\$100,000), or more, the bond to be conditioned that such County Commissioner in discharging his duties as precinct Road Supervisor will well and truly perform the duties required of him by law, or by the Commissioners Court, and that he will account for all County property of every kind that may come into his possession or control in the course of the discharge of his duties as such officer. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64; Act of May 1, 1947, 50<sup>th</sup> Leg., ch. 205, 1947 Tex. Gen. Laws 358.*

**Section 7. [Meetings of the Commissioners Court.]**

Meetings of the commissioners court of Harris County must be in compliance with the requirements of all laws governing the convening of the Commissioners Court, including the open meetings law, Chapter 551, Government Code. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64; Act of April 11, 1995, 74<sup>th</sup> Leg., R.S., ch. 25, 1995 Tex. Gen. Laws 287.*

**Section 7a. [Grant of easement or right-of-way over, along, or across public road in the incorporated areas of Harris County; fixing of bond for use, occupancy, maintenance, and repair of easement.]**

The Commissioners Court of Harris County shall have the power to grant to any person, firm or corporation an easement or right of way over, along or across any public road or highway, street or alley in Harris County and under the jurisdiction of the Commissioners Court of Harris County outside of the limits of any incorporated city or town. The terms or conditions under which such person, firm or corporation shall use or occupy such easement or right of way shall be specifically set forth in the minutes of the Commissioners Court, and any terms or conditions of any agreement relating thereto not so set forth shall be void. The Court may prescribe such reasonable conditions or restrictions as it may find necessary or desirable, including the charging of a reasonable compensation and the fixing of the amount and conditions of a bond or bonds to be entered into by such person, firm or corporation relating to the use and occupancy of the easement and right of way. Such bond, when executed, shall continue in full force and effect during the use and occupancy of the easement or right of way by the person, firm or corporation to whom it is granted, and shall not be affected or released by any subsequent change in the personnel of either parties to the agreement. No such easement or right-of-way shall be granted when it impedes or seriously interferes with the use and occupancy of such public thoroughfare as such; nor shall any such easement or right of way be granted without provision being made upon the part of the grantee for the protection and repair of the road or thoroughfare by suitable bond. Any grant made without such bond shall be void. *Act of May 1, 1947, 50<sup>th</sup> Leg., ch. 205, 1947 Tex. Gen. Laws 358.*

**Section 8. [Removal for failure or neglect to perform duties as county commissioner or precinct road supervisor.]**

It is hereby specially provided that it shall not be unlawful for any County Commissioner to engage in any other occupation or business, but should a County Commissioner, by virtue of such other business or occupation, fail or neglect to perform his duties as County Commissioner, or as Precinct Road Supervisor, he shall be subject to removal from office, in the manner provided by law for the removal of County officers. A failure to attend meetings regularly shall be grounds for such removal. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64.*

**Section 9. [Purchases.]**

The Commissioners Court of Harris County shall make necessary purchases and enter into such contracts as are necessary to carry out the purposes of the Harris County Road Law.

The making of all such purchases shall be subject to all of the provisions of the general laws applying to Harris County governing the budget, accounting, approval and countersignature of warrants, depository laws and such reasonable regulations as may be made under authority of law.

**Section 10. [Final accounting upon death, resignation, or retirement of officer or employee.]**

Upon the death, resignation or retirement of any officer or employee, the Auditor shall require an accounting of all property of every kind of the County or its political subdivisions of which he has custody, possession, control or supervision, and shall not approve the payment of any sums to such officer or employee or his estate until such accounting is made.

**Sections 11 and 12. REPEALED.**

The provisions of General Laws applying to counties of the population of Harris County with respect to depositories, budgets, accounting, approval and countersignature of warrants, shall govern and control all purchases and contracts made under authority of this law, except as herein otherwise expressly provided. Eminent domain proceedings shall be governed by the General Statutes authorizing counties to institute and maintain such proceedings. *Act of May 1, 1947, 50th Leg., ch. 205, 1947 Tex. Gen. Laws 358.*

**Section 13. [Taking of earth, stone, gravel, or the material for grading, construction, building, repair, improvement, or maintenance of road.]**

Said Court may enter upon and take from any land adjacent to or most convenient, or accessible to any public road of said County, earth, stone, gravel or other material necessary or suitable for the grading, construction, building, repair, improvement or maintenance of such road, excepting fuel and wood, paying therefore, if the owner of the land the Court can agree on the price thereof, the value of such material so taken, and the amount of damages, if any, thereby occasioned, to such land or appurtenances; but if such owner and the Court cannot agree thereon, the value of such material and the damages, if any, may be ascertained, determined and paid, under the next preceding section of this Act, as same shall be applicable to such case. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64.*

**Section 14. [Cleaning of ditches; suit to recover costs of work and material.]**

Whenever it shall be made to appear to the satisfaction of said Court that it is necessary for the better drainage of any public road or roads within said County, that the ditches along the right-of-way

of any railway company, corporation, individual, association, or the receiver thereof in said County, should be opened and cleaned out, or the bar pits along such right of way emptied and drained, said Court may by an order entered upon its minutes, at a regular or special term of the Court, require any such railway company, corporation, individual, association or the receiver thereof, whose ditches or bar pits are so constructed or so out of repair as to impede the easy and rapid flow of water accumulating on, along or near its right-of-way, to the nearest gully, ravine, creek, water course or outlet, and it shall be the duty of said railway company, corporation, individual, association or the receiver thereof, in reference to which said order is made and entered, within sixty days after a certified copy of said order shall have been delivered to any general officer of such railway company, association or corporation, or to said individual or person, or to any agent of such railway company, association, corporation, individual or person, in said County, to supply proper and sufficient drainage in the premises, and within sixty days thereafter to commence the work so ordered to be done, and to continue such work with reasonable dispatch until its completion, to the satisfaction of said court; and in the event such railway company, corporation, individual, association or the receiver thereof, shall fail to comply with the terms of said order, and shall fail to commence work within sixty days from the day of such service of such certified copy of such order, and finish the same within reasonable time, the commissioners court shall have said work performed, keeping an accurate account of the money expended upon said work, and the value of said work and material may be recovered from the railway company, corporation, individual, association or the receiver thereof, along whose right-of-way said work was done, at the suit of the County for the benefit of its road and bridge fund, in any court of competent jurisdiction in Harris County. *Id.*

**Section 15. [Petition for a proposed road.]**

Whenever there shall be filed with the County Clerk any petition for a road under any law now in force or that may hereafter be enacted, it shall be his duty at once to notify the precinct road supervisor, who shall, as early as practical, inspect the route of the proposed road, and shall make a report to the Court as to the advisability of granting or refusing said petition, or of changing the route or class of said road; and no jury of view shall ever be appointed to lay out any road until such report by the precinct road supervisor has been made, either in writing or in open court and a minute made of same. *Id.*

**Section 16. [Control of construction and maintenance of county roads, bridges, and drainage.]**

The Commissioners Court shall have control of all matters in connection with the construction and maintenance of County roads, bridges and drainage, except such as it may from time to time, by resolution, delegate to the precinct road supervisor, and then under such rules and regulations as it may prescribe, and subject to their recall at its pleasure. *Id.*

**Section 16-A. [Control of construction and maintenance of county roads, bridges, drains, culverts, and ditches in areas annexed by municipalities.]**

The Commissioners Court shall have control over all matters in connection with the construction and maintenance of all roads, bridges, drains, culverts and ditches, formerly located outside the city limits of any city, town or village, which has become a part of said city, town or village by reason of annexation of new territory and where legality of said annexation has been contested and final decision has not been determined by the Courts. Provided, that the authority herein given the Commissioners Court shall cease when the litigation over the validity of the annexation is finally disposed of. *Act of March 14, 1957, 55<sup>th</sup> Leg., ch. 27, 1957 Tex. Gen. Laws 49.*

**Section 17. [Clerk of Commissioners Court.]**

Should the Commissioners Court deem it advisable, it shall have the right to require the County Clerk to furnish all clerical assistance necessary to attend to the affairs of the Commissioners Court, and all clerical work connected with the official duties of the members thereof. For such clerical assistance the County Clerk shall be allowed a sum to be fixed by the Court, and this amount shall not be considered a fee of office, nor reported as such, and shall be paid out of the general fund of the County, or any other available fund. In addition to such clerical assistance furnished by the clerk, it shall be lawful for the County to employ such additional assistance as it may require. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64.*

**Section 18. [Filing and publication of monthly report by County Auditor.]**

The County Auditor shall file a monthly report with the Commissioners Court, which shall include the receipts and disbursements of all the funds of the County, and the status of all budget appropriations. This report shall contain a statement of any bond or special funds which the County may have. It shall be certified to by the County Auditor and published by him once in a daily newspaper published in Harris County. *Id.*; *Act of March 1, 1927, 40<sup>th</sup> Leg. ch. 17, 1927 Tex. Spec. Laws 179*; *Act of March 4, 1931, 42<sup>nd</sup> Leg., ch. 15, 1931 Tex. Spec. Laws 34.*

**Section 19. [Employment of road foremen, superintendents, and other employees.]**

The Commissioners Court shall have full authority to employ road foremen, superintendents and such employees as it may deem proper, subject to the provisions of the General Laws with respect to budgets, accounting, depository, approval and countersignature of warrants, and certification of funds. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64*; *Acts 1947, 50<sup>th</sup> Leg., ch. 205, 1947 Tex. Gen. Laws 358.*

**Section 20. [Monthly reports regarding tools, machinery, supplies, and other materials used on road projects.]**

Whenever any tools, machinery, wagons, supplies or other materials shall be delivered to any precinct road supervisor, road superintendent or other employee, he shall be charged by the County Auditor with same. He shall make monthly reports showing the disposition of same, which reports shall be made to the auditor and kept in a permanent file for the inspection of the finance committee and the Court, or other person interested. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64.*

**Section 21. [Laying out of road, ditch, or drain crossing any railway, canal, or levee.]**

Whenever the Commissioners Court shall deem it advisable to lay out, on petition, or otherwise, any road, ditch, or drain, and same shall cross any railway, street railway, interurban railway, any canal or levee owned by any person, firm or corporation it shall have the right to do so whenever and wherever same shall be necessary, regardless of the distance to the next crossing, and, if compensation for damages cannot be agreed upon with the owner, then same shall be determined by a jury of view appointed by the Court in accordance with the law governing the laying out of roads by juries of view, insofar as the same are applicable. *Id.*

**Section 22. [Maximum road width of 120 feet.]**

The Commissioners Court shall have the right to lay out roads to a width of not more than one hundred and twenty feet, provided same shall connect with main roads leading into the city of

Houston. *Id.*

**Section 23. [Weight limits; bond or cash deposit; remedies.]**

Whenever any person, firm, corporation or individual shall contemplate, or be engaged in hauling any load or loads, which by virtue of the great weight or great number of same, are calculated to damage any paved or graded road to an extent greater than the average wear and tear to which the road is ordinarily subjected by the travel of the public, the Commissioners Court shall have the right, and it shall be its duty, to prohibit the said use of the road, or to require a bond or a cash deposit to cover damages. Any person violating such order of the Court shall be guilty of contempt, and may be punished as now provided for contempt of the Commissioners Court, and in addition shall be liable in damages to the County for all damages thus caused. *Id.*

**NOTE:** *See also Act of March 4, 1931, 42<sup>nd</sup> Leg., ch. 282, 1931 Tex. Spec. Laws 507* (provisions relating to regulation of weight, height, and length of vehicles codified in Chapters 621 and 623 of Tex. Transp. Code).

**Section 24. [Selection of County Engineer.]**

The Commissioners Court shall have the right at the first meeting after they shall be sworn in, or as soon thereafter as possible, to select a competent engineer to act as County Engineer. He shall hold office during the tenure of office of the Court by which he was elected, and shall receive such salary and shall perform such professional services as may be agreed upon at the time of his selection. A contract shall be entered into embodying the terms of his employment and signed by the said engineer, and the County Judge, and recorded in the minutes of the Court. Provided, that this contract may be made with any person, firm, or engineering corporation in like manner as it may be made with an individual, and provided further, that this shall not conflict with the terms of existing contracts, if any. *Id.*

**Sections 25, 26 and 27. REPEALED.**

Sections 25, 26 and 27, of Acts 1913, Regular Session, Special Laws, Page 64, Chapter 17, relating to the employment of convicts and convict labor, are hereby repealed. *Act of May 1, 1947, 50<sup>th</sup> Leg., ch. 205, 1947 Tex. Spec. Laws 358.*

**Section 28. [Issuance of road bonds; County Auditor's countersignature on warrants]**

Should Harris County deem it expedient to issue bonds for the construction of lasting and permanent roads or bridges, or both, it may do so in the manner provided by the General Laws; provided, that where bonds are voted for a specific purpose, it shall not be lawful to use any funds so derived for any other purpose, unless there shall remain a surplus after the final completion of the improvements for which said bonds were voted, and the County Auditor shall not countersign warrants in payment of claims against said funds except in accordance with this Section. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64; Act of March 4, 1931, 42<sup>nd</sup> Leg., ch. 15, 1931 Tex. Spec. Laws 34.*

**Section 28-A. [Installation and maintenance of accounting system by County Auditor; County Auditor's countersignature on warrants.]**

It shall be the duty of the County Auditor to install and maintain a modern accounting system and to prescribe and prepare the forms to be used by all officials and employees in keeping their accounts and in reporting receipts and disbursements of all road and bridge funds, sinking funds,

special funds, and funds from bond issues. No funds of the County shall be expended except by warrant duly authorized by the Commissioners Court, issued by the County Clerk, and countersigned by the County Auditor. The County Auditor shall countersign no warrant for the payment of any claim which has not been legally contracted. He shall have authority to require reports from all persons having charge or control of any property or funds of the County, and, in the event the County Auditor shall be unable to secure proper reports or an adequate accounting from any person or official with reference to the taxes, funds, fees, or property of the County, he shall have authority to enforce an accounting thereof, and to take such steps as are necessary to protect the interest of the County.

The County Auditor is authorized to employ such assistants and to purchase such books, equipment, and supplies as may be necessary to properly perform his duties. Harris County shall defray such expenses as may be incurred by the County Auditor in the enforcement of any duty with which he is charged under this Act. After due hearing, the Commissioners Court may make allowance for special services where such services are not required by the General Laws, and for which compensation is not prescribed. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64; Act of March 4, 1931, 42<sup>nd</sup> Leg., ch. 15, 1931 Tex. Spec. Laws 34.*

**Section 28-B. Repealed.**

*Act of May 26, 1999, 76<sup>th</sup> Leg., ch. 923, §5, 1999 Tex. Gen. Laws 3645.*

**Section 29. [Definition of road.]**

Whenever in this Act, or any general law, the word “Road”, is used, the same is hereby defined to mean in so far as Harris County is concerned, all road beds, ditches, drains, bridges, culverts and every part of every road, whether inside or outside of any incorporated city or town in Harris County, or not. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64.*

**Section 30. [Investment of sinking funds.]**

The Commissioners Court may from time to time invest the various sinking funds of the County not otherwise required, in its own bonds or in bonds of any district of Harris County, provided that the Commissioners Court of Harris County shall have the right to invest any of its sinking funds not otherwise required in the bonds of Harris County or of any district thereof, regardless of the maturities of the bonds to be purchased, where the interest to be derived from the bonds purchased shall be sufficient when deposited in the sinking funds of the bonds for which the investment is made to retire said bonds on or before maturity. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64; Act of August 29, 1917, 35<sup>th</sup> Leg. 2nd C.S., ch. 1, 1917 Tex. Spec. Laws 29.*

**Section 30-A. [Use of sinking funds.]**

That the Commissioners Court of Harris County in the State of Texas is hereby authorized and empowered, whenever it may be deemed advisable to use any sinking funds or sinking funds now on hand or hereafter acquired for the redemption and payment of any outstanding bonds of such County or Road District therein, for the purpose of purchasing, taking up and carrying any anticipation warrants of said county now issued and outstanding; and such anticipation warrants shall thereafter be extended in time of payment or refunded by the issuance of substitution warrants payable and maturing at such time or times as such Commissioners Court may select and fix; provided that no such anticipation warrants so taken up, or substitution warrants so issued in lieu thereof, shall by their terms mature at a date subsequent to the time of maturity of the bonds for the payment of which such sinking fund was created; provided, however, that no such anticipation warrants shall be so taken up with and

by the use of such sinking fund or funds unless provision shall have been made at the time of the creation of such debt, or debts, evidenced by such warrants, for levying and collecting a tax sufficient to pay the interest thereon, if any, and providing at least two percent, as a sinking fund for the payment thereof, as provided in Article 11, Section 7, of the Constitution of the State of Texas; and provided further that provision shall have been made, or shall be made, at the time of so taking up of such anticipation warrants or the issuance of substitution funding warrants in lieu thereof, so that sufficient tax shall be levied and collected each year to provide such sinking fund for the payment of such anticipation warrants within the time that the same, or the substitution funding warrants issued in lieu thereof, shall mature, such maturity date not to extend in any event beyond the time of maturity of the bonds or other obligations for the payment of which the sinking fund being used was created, as hereinabove provided. *Act of July 19, 1919, 36<sup>th</sup> Leg. 2nd C.S., ch. 41, 1919 Tex. Spec. Laws 107.*

**Section 31. [Trains remaining upon or across any public crossing.]**

It is hereby declared to be unlawful for the crew on any train of any kind, or for any person in charge of same, to cause, allow or permit any train, car, engine, or part of a train, to be or to remain upon or across any public crossing, of any County road, for a longer period of time than ten minutes. By county road is meant any road used by the public and maintained at the expense of Harris County, in whole or in part. Any person who shall violate this provision shall be guilty of a misdemeanor, and shall upon conviction, be fined in a sum not less than five (\$5.00) dollars, nor more than one hundred dollars (\$100.00). *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64.*

**Section 31-A. [Competitive bidding.]**

In all cases involving any contract, purchase or requisition in connection with any road or public highway in Harris County, if any person, or corporation shall bring suit against Harris County in any Court to recover for the value of any labor, material or supplies which were delivered to or acquired by any officer of Harris County in person or through his deputy or employee without compliance by such officer, deputy or employee, with the laws and regulations governing advertising for bids, taking of proposals, or the making of contracts governing such matters, the County may implead such officer, deputy or employee, or all of them, in the suit. If recovery be had against the County in quantum meruit, or quantum valebat because such purchase, contract or requisition was void as not being in compliance with the laws governing it, then such officer, deputy or employee and the surety or sureties on their official bonds shall be jointly and severally liable for all attorney's fees, costs and expenses of every character incurred by the County or its attorneys in the defense of such suit; and in addition thereto, the claimant may plead and prove his reasonable attorney's fees and expenses incurred by him, and may have recovery thereof against such officer, deputy or employee and the sureties on their official bond; but nothing herein contained shall be construed as in anywise enlarging the liability of the County. *Act of May 1, 1947, 50<sup>th</sup> Leg., ch. 205, 1947 Tex. Gen. Laws 358.*

**Section 31-B. [Contracts relating to construction of tunnels under any stream or body of water; certification of funds.]**

The Commissioners Court of Harris County may enter into such contracts and agreements as it finds necessary with the United States, the State of Texas, or any officer, board or agency thereof, relating to or in connection with the construction of a tunnel or tunnels under any stream or body of water in Harris County or bordering on Harris County; and for the purpose of accomplishing the construction of such tunnel or tunnels, it may authorize the expenditure of bond funds or other funds available for the purpose. Such tunnels are hereby declared to be an essential public highway unit. Funds may be expended at such times, in such manner, and subject to such rules and regulations as

may be agreed upon between the Court and the officer or agency. All such agreements so made shall be subject to the approval of the County Auditor and his certificate that funds are or will be available for the payment when due of obligations so created. When such contracts shall have been entered into, the money pledged for such purpose shall not be expended or diverted to any other purpose during the continuance of such agreement. Such agreement may be canceled only by mutual agreement of the parties. Funds may be paid to or through the agency with whom the contract is made in installments as the work progresses. All agreements for the construction of such works and the expenditure of such funds shall be in writing and one (1) executed copy thereof shall be filed with the County Auditor as a public record. No condition or requirement of such agreements or contracts not so reduced to writing and not so filed shall be binding upon the County.

Tentative agreements or contracts between the County and the United States or the State of Texas or any agency thereof relating to the construction of such tunnels heretofore entered into by Harris County and entered in the minutes of the Commissioners Court are hereby in all things ratified, validated and confirmed. *Id.*

**Section 31-C. [Road log; right-of-way with minimum of 20 and maximum of 600 feet; approval of subdivision or plat of lands in unincorporated area by Harris County and Harris County Flood Control District.]**

In acquiring rights-of-way for roads in Harris County, the Commissioners Court shall determine the width of the right-of-way required, and establish the lines and alignment of the road. All of the field notes of roads so established and determined shall be filed with the Commissioners Court and be recorded on the Road Log of Harris County, and no expenditures shall be made by the Commissioners Court upon any road not carried on the Road Log. The Commissioners Court may adopt a system for carrying roads on the Road Log with the required width of the right-of-way to be established by the Court. Provided, however no road shall be carried on the Road Log or maintained by the County on a right-of-way less than twenty (20) feet nor more than 600 feet in width unless the right-of-way was laid out or established on or after January 1, 1963. No subdivision or plat of lands in Harris County outside of incorporated cities shall be filed for record by the County Clerk of Harris County, Texas, until such plat or subdivision bears the signature of the County Engineer to the effect that the roads, as indicated on the plat, have met the requirements of the system adopted by the Commissioners Court pursuant to this Section as to the width of the right-of-way and have a base and surface of at least twenty (20) feet in width with the base and surface meeting the minimum requirements prescribed by the Commissioners Court by order duly entered in the minutes of said Court, and that all requirements of Harris County and the Harris County Flood Control District as to drainage have been complied with. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64; Act of May 21, 1963, 58<sup>th</sup> Leg. ch. 369, 1963 Tex. Gen. Laws 940; Act of May 24, 1973, 63<sup>rd</sup> Leg., ch. 614, 1973 Tex. Gen. Laws 1688.*

**Section 31-D. [Building lines; hearing; eminent domain; protection from encroachment.]**

- (a) Whenever the Commissioners Court of Harris County deems that the general welfare will be promoted thereby, it is hereby authorized and empowered to establish building lines on highways and roads, or any part thereof, in Harris County, and to prohibit any new building being located within such building lines outside of the corporate limits of any city, village or incorporated town in said County. Such Commissioners Court is further authorized and empowered to regulate and to limit and to change and amend by order such building lines on such highways or roads and to prohibit any new building being located within such building lines outside the corporate limits of

any city, village or incorporated town within said County, subject to the provisions of subparagraph (d) hereof.

- (b) Before the adoption of any plan or the establishing of building lines on any highway or road in Harris County, the Commissioners Court shall hold at least one public hearing related thereto after having given at least fifteen (15) days' notice of the time and place of such hearing by the publication thereof in a newspaper having general circulation within Harris County, such publication being at least fifteen (15) days prior to the date of the hearing. If practicable, and solely at the discretion of the Commissioners Court, each landowner affected by the establishment of such building lines shall be given actual notice by United States Registered Mail of such hearing. Any hearing so set by the Commissioners Court may be continued from time to time until within the discretion of said Court all interested persons shall have had an opportunity to be heard. After the Commissioners Court has heard all interested persons and shall have found that the establishing of such building lines is for the general welfare of the County, said Court shall pass its resolution adopting such building lines. Such resolution shall contain an exact description of the area included within such building lines by either field notes or by map or by both, and a certified copy thereof shall be filed immediately with the County Clerk of Harris County. Thereafter the Commissioners Court may, upon public hearing with like notice thereof, amend, supplement, grant exceptions thereto, or alter the building lines so established as in its discretion it may determine necessary.
- (c) Upon the filing of the aforesaid resolution containing the full description of the area within such building lines, all persons shall be charged with notice of the requirements of such resolution and after the establishment of such building lines, no building or other structure shall be erected, constructed or substantially repaired, and no new building or other structure or part thereof shall be erected or re-erected within said lines so established, subject to the provisions of subparagraph (d) hereof.
- (d) In case any building or part thereof is erected, reconstructed or substantially repaired, or if any person shall by an overt act or other means indicate an intention to erect, reconstruct or substantially repair any building within the area as set by such building lines, then the County Attorney, upon resolution of the Commissioners Court giving due authorization, shall institute eminent domain proceedings to acquire the area within said building lines. If eminent domain proceedings are not instituted as herein provided within ninety (90) days after written notice, either of the erection, reconstruction, substantial repair or of the intention to erect reconstruct or substantially repair any building, has been mailed properly stamped and addressed to the Commissioners Court, 1001 Preston, 9<sup>th</sup> Floor, Houston, Texas, 77002, the building lines as established shall not affect damages to be paid in eminent domain proceedings thereafter instituted to acquire said area within said building lines but such damages shall be determined and paid as though such building lines had not been established.
- (e) It is the intention of this Act to give the Commissioners Court of Harris County the right to protect from encroachment those areas which in the opinion of the Commissioners Court will be necessary for future rights-of-way for highways and roads within Harris County. It is not the intention of this Act to give the Commissioners Court the power to acquire property without due process of law and without proper compensation therefore. *Act of May 14, 1953, 53<sup>rd</sup> Leg. ch. 385, 1953 Tex. Gen. Laws 924.*

**Section 31-E. [Sale of property no longer needed for road purposes; execution of quitclaim deed; sale, exchange, conveyance and surrender of possession herein provided for shall be and remain in all things subject to the right of and continued use by public utility or common carrier.]**

When the Commissioners Court shall determine that any real property or interest therein,

heretofore or hereafter acquired by Harris County for road purposes, is no longer needed for road purposes, the Commissioners Court shall have the power to sell such real property, or when the Commissioners Court makes such determination, at its discretion it shall have the power to exchange any such real property needed by Harris County for road purposes. It shall be the duty of the Commissioners Court to determine the reasonable market value of any such real property to be sold or exchanged and when such property is to be exchanged, to determine also the reasonable market value of the property to be received in exchange. Provided, however, when the Commissioners Court determines that such real property should be sold, it shall be sold with the following priorities:

- (1) To abutting or adjoining landowners;
- (2) to the original grantors, their heirs or assigns of the original tract from whence said real property was conveyed; or
- (3) to the general public at public auction, notice of which sale shall be advertised at least twenty (20) days before the day of sale, by having the notice thereof published once a week for three consecutive weeks preceding such sale in a newspaper of general circulation in Harris County.

All monies derived from sales of such real property shall be deposited to the credit of the Road and Bridge Fund of Harris County.

When the right or interest of Harris County in any real property consists only of an easement or right-of-way for road purposes and the Commissioners Court determines that such property is no longer needed for road purposes, the Commissioners Court shall have the power to authorize execution of a quitclaim deed relinquishing all right and title and interest of Harris County thereto to the owner of the fee of such property. Whenever any real property or interest therein owned by Harris County and sold or exchanged and conveyed hereunder is being used by a public utility or common carrier having the right of eminent domain for right-of-way and easement purposes, the sale, exchange, conveyance and surrender of possession herein provided for shall be and remain in all things subject to the right and continued use of such public utility or common carrier. *Act of May 22, 1967, 60<sup>th</sup> Leg., ch. 244, 1967 Tex. Gen. Laws 557.*

### **Section 32. [Conflicts of interest; criminal penalty.]**

It shall be unlawful for any member of said Commissioners Court, or for any County officer of Harris County, to be or become financially interested, directly or indirectly, in any contract with said County, for road work, or for the purchase or sale of any material or supplies of any character, or in any transaction whatever in connection with any of the business of said county, excepting only his own salary, fee, or per diem. If any such County Commissioner, or such County officer, shall willfully violate any of the foregoing provisions of this Section, he shall be deemed guilty of malfeasance in office, and upon conviction thereof, shall be punished by a fine of not less than \$500.00, nor more than \$1,000.00, or by imprisonment, in the County Jail of said County, for not more than one year, or by both such fines and imprisonments; and in addition thereto, shall be forthwith removed from office. *Act of March 5, 1913, 33<sup>rd</sup> Leg., ch. 17, 1913 Tex. Spec. Laws 64; Act of May 26, 1999, 76<sup>th</sup> Leg., ch. 923, §4, 1999 Tex. Gen. Laws 3645.*

### **Section 33. [Cumulative effect of laws.]**

The provisions of this Act are, and shall be held and construed to be cumulative of all General Laws of this State, on the subjects treated of in this Act, when not in conflict.