



STATE OF TEXAS
KENDALL COUNTY

KENDALL COUNTY ORDER NO. 0-20250908-3
STANDARDS FOR ISSUING RIGHT OF WAY PERMITS
FOR CONSTRUCTION AND OTHER ACTIVITY

WHEREAS, the Texas Transportation Code §251.016 gives the Kendall County Commissioners Court general control over all roads, highways, and bridges in Kendall County; and

WHEREAS, construction projects and other activity within the right of way may impact the integrity of the county roads and/or safety of vehicular traffic by creating obstructions and dangers; and

WHEREAS, the increase in Kendall County population and vehicular traffic has resulted in a higher volume of traffic on county roads making it essential that driveway entrances and exits be safely maintained, traffic be inconvenienced as little as possible, and properties of both the County and the public be protected; and

WHEREAS, the Kendall County Commissioners Court, in the interest of the health, safety, and welfare of its citizens, desires to ensure that construction and other activity within the right of way is protective of the health, safety, and welfare of its citizens; and

WHEREAS, The Kendall County Commissioners Court desires to adopt permitting standards for the issuing of right of way permits for construction and other activity within the right of way.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF KENDALL COUNTY, TEXAS that any construction or other activity occurring within the right of way of a Kendall County maintained road shall require a permit issued by the Kendall County Commissioners Court or its Authorized Agent.

BE IT FURTHER ORDERED BY THE COMMISSIONERS COURT OF KENDALL COUNTY, TEXAS that the Kendall County Commissioners Court adopts the permitting guidelines set forth below and authorizes the Kendall County Engineer to incorporate any of the guidelines into the required permit and to enforce such permits.

GUIDELINES

1. Prior to submission of a right of way permit application, the utility's engineer shall attend a predevelopment meeting with Kendall County representatives to confirm acceptable design criteria.
2. Prior to starting construction, the Contractor shall provide the following for review and approval prior to starting the project:
 - Video documentation of the existing roadway and right of way (ROW) within the limits of proposed construction.
 - Material specifications in accordance with appropriate TxDOT specifications for all applicable construction activities (flowable backfill, HMAC; seal coat, etc.).
 - A stormwater pollution prevention plan.
 - A permanent seeding and erosion control plan for all disturbed areas in accordance with TxDOT Item 164. Minimum of 4 inches of topsoil shall be placed on all disturbed areas in accordance with TxDOT Item 160.
 - A soil retention plan (as required) in accordance to TxDOT Item 169.
 - A traffic control plan in conformance with the Texas Manual on Uniform Traffic Control Devices.
 - A copy of liability insurance in accordance with Kendall County requirements listing Kendall County as additional insured.
 - A bond or other surety covering damage in an amount to be determined by the County Engineer.
 - Plans for potable water transmission and distribution for review and comment by the Kendall County Fire Marshal.
3. The Contractor shall attend a preconstruction meeting with Kendall County representatives prior to starting construction.
4. Kendall County may control the limits of construction within the ROW considering factors including but not limited to repair of ROW, roadway, mailboxes, fence, headwalls, culverts, etc., contractor performance, weather, public inconvenience, and public safety.
5. Workers involved with traffic control must comply with Item 7, TxDOT Standard Specifications.
6. Open cut construction within five (5) feet of edge of pavement is prohibited unless geological conditions clearly preclude trenchless construction methods. For trenches within five (5) feet of edge of pavement, flowable backfill is required for

all trench backfill. Flowable backfill will be in accordance with TxDOT Item 401. For all other trenches within the ROW, backfill shall meet ordinary compaction requirements in accordance with TxDOT Item 132.

7. Construction of parallel underground utilities under the roadway is prohibited. If insufficient right of way width is available to allow the placement of parallel utilities outside the roadway, the utility owner shall obtain separate easements sufficient for the placement of proposed improvements.
8. The Contractor shall contact all property owners with driveways within the project limits. The utility shall be bored under all driveways unless the contractor has written permission to open cut the driveway.
9. A maintenance period of one year will apply to all disturbed areas within the project limits. After completion of utility construction, the Contractor will maintain the project for one calendar year or until disturbed areas are reestablished.
10. The Contractor will provide project drawings, engineered plans, and as-builts as required by Kendall County.

EFFECTIVE DATE

ADOPTED AND EFFECTIVE this 8th day of September, 2025.



Shane Stolarczyk
County Judge, Kendall County, Texas



Denise Maxwell
County Clerk, Kendall County, Texas