



Grimes County Cattle Guard Policy

STATE OF TEXAS §
COUNTY OF GRIMES §

WHEREAS, TEXAS TRANSPORTATION CODE §251.003 grants the Grimes County Commissioners Court the authority to make and enforce all necessary rules and orders for the construction and maintenance of public roads;

WHEREAS, TEXAS TRANSPORTATION CODE §251.016 grants the Grimes County Commissioners Court general control over all roads, highways, and bridges in the county;

WHEREAS, TEXAS TRANSPORTATION CODE §251.009 grants the Grimes County Commissioners Court the authority to authorize and regulate the construction and erection of cattle guards on its county roads regardless of class;

WHEREAS, TEXAS TRANSPORTATION CODE §251.0095 grants the Grimes County Commissioners Court the authority to replace or repair an existing cattle guard on a county road of any class or to authorize a third party to do so;

WHEREAS, TEXAS TRANSPORTATION CODE §251.0096 grants the Grimes County Commissioners Court the authority to remove a cattle guard from a county road of any class; and

WHEREAS, the Grimes County Commissioners Court has determined it is in the best interest of the County to regulate cattle guards on its county roads.

NOW, THEREFORE, IT IS ORDERED, the Grimes County Commissioners Courts adopts the following rules and regulations regarding cattle guards on its county roads;


1. No new cattle guard installations are allowed.
2. Existing cattle guards should be phased out when possible.
3. An existing cattle guard may not be replaced with another cattle guard.
4. Existing cattle guards will be removed pursuant to TEXAS TRANSPORTATION CODE §251.0096 when:
 - a. Real property on both sides of the road is no longer owned or leased by the same family within the 2nd degree of consanguinity, i.e. parent, child, brother, sister, grandparent or grandchild;
 - b. Vehicle collisions have occurred at or near the cattle guard location three times or more within the previous five years;
 - c. Traffic counts on the road in which the cattle guard is installed exceed 200 vehicles per day;

- d. A cattle guard is not connected to functional fencing for a period of 90 days or more;
 - e. Fencing is installed on both sides of a section of a road making an adjacent cattle guard unwarranted;
 - f. No livestock is being run on a section of a road adjacent to a cattle guard for a period of one year or longer; or
 - g. If otherwise deemed appropriate by the Grimes County Engineer.
5. No section of a road with cattle guards will be paved, except as follows:
- a. Portions of a road between the nearest paved road and the first cattle guard may be paved to within ¼ mile of the first cattle guard.
6. Maintenance of cattle guards is the responsibility of the landowner(s)/lessee(s) for whom the cattle guard provides the special benefit of turning cattle (“Landowner(s)” herein):
- a. The Landowner(s) will be responsible for structural maintenance of cattle guards. Should a cattle guard fall into a state of structural disrepair, the County will remove such cattle guard as set forth below.
 - b. The Landowner(s) will be responsible for cleaning cattle guards and other maintenance that affects livestock operations.
 - c. The Landowner(s) may apply to close a road when the Landowner(s) needs to perform maintenance, upon ten days’ notice to the Grimes County Engineer at (936) 873-4436. All maintenance shall be completed within four hours. Landowner(s) are responsible for ensuring traffic control and advance warning are established prior to beginning the work, and must notify any property owners that may be impacted by the closure.
7. All cattle guards located on county roads are the property of Grimes County and may be removed by the County pursuant to TEXAS TRANSPORTATION CODE §251.0096 as follows:
- a. Notification of a planned removal of a cattle guard will be given to the Landowner(s) as identified by the records of the Grimes County Appraisal District.
 - b. Landowner(s) may request a public hearing on removal.
 - c. Regardless of whether a public hearing is held, the Grimes County Commissioners Court will maintain the discretion to decide whether or not to proceed with removal.
 - d. Cattle guards removed by Grimes County are the property of Grimes County and will be treated as any other County asset.

UPON MOTION DULY MADE AND SECONDED, the above Policy was adopted on this the 6 day of March, 2024 by a vote of 5 ayes and 0 nays.

BY: 

Joe Fauth, III, County Judge

ATTEST:


Vanessa Burzynski, County Clerk