



STATE OF TEXAS
COUNTY OF JEFFERSON

COMMISSIONERS' COURT
OF JEFFERSON COUNTY, TEXAS

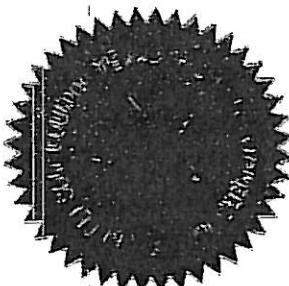
AN ORDER REGARDING ROAD USE IN
JEFFERSON COUNTY

1. Pursuant to Transportation Code Chapter 251.003, the Commissioners Court may make and enforce all necessary rules and orders for the construction and maintenance of public roads; and
2. Jefferson County has suffered extensive damage to its roads as a result of persons and entities hauling loads that exceed the weight limits of such roads; and.
3. Jefferson County has been required to expend monies it did not budget to repair of roads damaged by those hauling excessively heavy loads; and
4. The Commissioners Court of Jefferson County, Texas finds it necessary to require that persons, firms or entities who will haul loads, which exceed the weight limits of county roads, first enter into an agreement to pay for costs of repairs occasioned by their hauling excessively heavy loads.

The Commissioners Court of Jefferson County, Texas does hereby adopt the attached Road Use Agreement to be executed by those who will haul loads which exceed the weight limit of any Jefferson County, Texas road.

Read and adopted by a vote of 4 ayes and 0 nays.

Signed this 26 day of August, 2013



JUDGE JEFF R. BRANICK
County Judge

STATE OF TEXAS §
§
COUNTY OF JEFFERSON §

ROAD USE AGREEMENT BETWEEN JEFFERSON COUNTY
AND

WHEREAS, _____ (hereinafter "Company") intends to conduct [describe operation], (hereinafter the "Project") at a site located on _____ (county road name) located in Precinct No. _____; and

WHEREAS, the proposed project will require the transportation of heavy equipment or loads (loads shall include any building supplies, material or other bulk loads, including rock, gravel, cement, asphalt, timber, etc. in amounts that exceed the capacity of the road) over one or more Jefferson County, Texas road(s) identified as: [1st road name] and County [2nd road name]:

1. County Road _____;
2. County Road _____; and

WHEREAS, the weight of the equipment will exceed the load bearing capacity of the identified county roads and bridges on the proposed route; and

WHEREAS, the transportation of the equipment or loads may cause substantial damage to the county roads and bridges; and

WHEREAS, Company and Jefferson County, Texas (hereinafter "County") agree that the transportation of this equipment or loads is necessary for the Project and that the County should be compensated for any damages or additional maintenance costs incurred by the County as a result of the Project; and

WHEREAS, the Company and County hereby agree and contract as follows:

1. Company may utilize County road _____ and County road _____ for the transport of all necessary equipment and/or loads to the Project location on the designated county roads without weight limitations for a time period from a commencement date of _____, 20____ to a termination date of _____, 20____. The Project time period may be extended only by written agreement of the County after not less than five (5) days notice of a need for extension by Company.
2. Company shall pay County its actual cost, including labor, equipment use (including fuel, depreciation and overhead costs) and materials, for all repairs, replacement or maintenance incurred as a result of the transport of equipment to or from the Project location. An estimate of these costs is attached as Exhibit 1 and incorporated herein by reference.
3. Company shall provide County details of preliminary work Company will perform prior to use of road, for example: install two 1" X 8' X 25' steel plates across the bridge located north of the intersection of County [road name: _____] and County [2nd road name: _____] for additional support.

4. Company shall provide a surety bond in the sum of [\$ _____ Estimated cost] dollars with the County Treasurer of Jefferson County, Texas upon execution of this agreement. All provisions of this agreement are contingent upon review and approval of the bond by the Jefferson County, Texas Commissioners Court. The bond shall provide for prompt payment by the surety upon demand by County for the repairs, replacement and maintenance costs incurred to return the road to substantially the same condition the road possessed prior to the commencement date of the project. However, the liability of Company for such costs is not limited to the face amount of the bond and Company agrees to pay any additional sums actually incurred to return the road to substantially the same condition of the road prior to the commencement date upon demand.
5. Company agrees to provide 48 hours notice to the County Commissioner or Road Superintendant for Precinct No. _____ of Jefferson County, Texas before transporting any equipment on County [road name: _____] and County [2nd road name: _____] that would interrupt the normal flow of traffic. Company agrees to bear the cost of any County manpower and equipment necessary to interrupt and redirect traffic during any interruption of the normal flow of traffic.

Agreed and executed this _____ day of _____, _____

Jefferson County Judge

Approved by Jefferson County Commissioners Court on the _____ day of
_____, _____

Attest:

Jefferson County Clerk

Authorized Agent for _____

THE STATE OF TEXAS,
§
COUNTY OF JEFFERSON

§
§

I, _____ a notary public, do hereby certify that on this _____ day of _____, _____, personally appeared before me _____, being by me first duly sworn, declared that he is the _____ of _____ and that he has been duly authorized to execute the foregoing document on behalf of the Company.

SWORN TO AND SUBSCRIBED before me on this _____ day of _____, _____.

Notary Public, State of Texas
Notary's Typed/Printed Name
My commission expires

Exhibit 1

Estimate of Cost:

Length of [1st road name]:

Type of road surface/material:

Number of culverts/bridges:

Any other special features:

Length of [2nd road name]:

Type of road surface/material:

Number of culverts/bridges:

Any other special features:

Anticipated cost of Repair:

Repeat for each Road: [1st road name]

Labor: (Rate includes salary/benefits/overtime, where applicable)

Foreman \$ _____ per hour x _____ hours = \$ _____

Equipment Operator \$ _____ per hour x _____ hours = \$ _____

Other \$ _____ per hour x _____ hours = \$ _____

Equipment: (Rate includes fuel, depreciation and overhead costs (insurance)).

Truck \$ _____ per hour x _____ hours = \$ _____

Grader \$ _____ per hour x _____ hours = \$ _____

Other \$ _____ per hour x _____ hours = \$ _____

Material: (Rate includes cost to acquire and transport to location)

Base mtl \$ _____ Per Ton + \$ _____ per hour x _____ hours = \$ _____

Asphalt \$ _____ Per Ton + \$ _____ per hour x _____ hours = \$ _____

Other at \$ _____ Per Ton + \$ _____ per hour x _____ hours = \$ _____

Total for [1st road name] \$ _____

JEFFERSON COUNTY'S OVERWEIGHT PERMIT

COUNTY OF JEFFERSON COUNTY

STATE OF TEXAS

BE IT REMEMBERED at a meeting of Commissioners' Court of Jefferson County, Texas, held on the _____ day of _____, 20_____, on motion made by _____, Commissioner of Precinct No. ____, and seconded by _____, Commissioner of Precinct No. ____, the following Resolution was adopted:

WHEREAS, a public hearing was held on the _____ day of _____, 20_____, at _____ A.M. in the Jefferson County Commissioners' Courtroom, 4th Floor, Jefferson County Courthouse, Beaumont, Texas to discuss the establishment of maximum load limits for all county roads in Jefferson County, and

WHEREAS, notice of said public hearing was published in a newspaper with county wide circulation one time, giving at least seven (7) days but not more than thirty (30) days notice of said hearing as required by Section 251.152, Transportation Code

IT IS, therefore, RESOLVED and ORDERED that

To Whom This Applies

Any person, company or entity who intends to operate a motor vehicle, trailer, semi trailer, or any combination of those vehicles on any Jefferson County road way, easement, not platted field roads, service road or driveway.

This applies to use of, light equipment of any capacity, overweight, oversize or over length, or while in the transporting a commodity, is overweight, oversize or over length, on the roadways of Jefferson County, or in the opinion of the Jefferson County Engineer, Jefferson County Director of Engineering and/or County Engineering representative that could damage Jefferson County roadways, easements, not platted field roads, service road or driveway.

The maximum weight limits set under this policy does not apply to a vehicle delivering groceries or farm products to a destination requiring travel over a road for which the maximum is set.

SPECIFICATIONS

Jefferson County can request and enforce implementation of the Road Use Agreement be included with Overweight Permit at the discretion of the Precinct Commissioners and or Engineer Department Staff (Director, Representatives). Any vehicular traffic which, in the opinion of the Jefferson County Engineer, Director of Engineering and or County Engineering representative, that could damage Jefferson County roadways, referred to above. Specifically, vehicular traffic exceeding an 80,000-pound gross weight on two (2) consecutive axles must apply for, and obtain a Jefferson County Oversize/Overweight Vehicle Permit from the Jefferson County Engineer. Notwithstanding any other provision of this Policy, the Jefferson County Roads included in Appendix A. are excluded from this Policy and are limited to the gross weight limits as indicated.

A valid Texas State Oversize/Overweight Permit does not obviate the Jefferson County Oversize/Overweight Vehicle permit process, but may be required by the State of Texas to traverse State maintained roadways with oversize/overweight vehicles. The Oversize/Overweight Vehicle Operator listed on the permit application (see "Application" pg.2) will execute and attach a bond in an amount sufficient to guarantee the payment of any damages to any Jefferson County road or Jefferson County bridge sustained as a consequence of the transportation authorized by the Jefferson County Oversize/Overweight Permit (see "Bonds" pg.3). The required Oversized/Overweight Vehicle Permit application with the attached bond information is submitted to

the Jefferson County Engineering Department, and the required application fee is paid in full, the application will be reviewed, and forwarded to the Jefferson County Commissioners' Court for final approval. Once the permit is approved by the Jefferson County Commissioners' Court the Oversize/Overweight Vehicle Permit holder shall be allowed ninety (90) days from the granting of the permit to complete operations (see "Time Limits" pg.2). The Granting of Jefferson County permits under this provision shall be in accordance with Section 623.018, State of Texas Transportation Code.

The applicant shall comply with all rules, regulations, principals and specifications herein contained and/or the directions of the Jefferson County Engineer, Jefferson County Director of Engineering and/or County Commissioner. Should the Jefferson County Engineer, Jefferson County Director of Engineering and/or County Engineering Representative find that the applicant is not in compliance with said rules, regulations, principles, specifications and directions, he or she will require the applicant to cease work until such compliance can be obtained. Failure to comply with said rules, regulations, specifications and directions will be cause for issuance of a "Stop Work Notice" until such time as said defects are corrected.

All Oversize/Overweight Vehicle Permits issued by Jefferson County shall be carried in the permitted vehicle. Jefferson County shall provide access or a phone number for verification of permit authenticity by law enforcement or department personnel.

Application

The applicant must complete SEVEN (7) COPIES of the form herein contained, WITH CURRENT AND CORRECT BUSINESS CONTACT INFORMATION outlining in detail the purpose and route of the overweight vehicle, including roads, major stream crossings, scale, northerly direction.

A current Jefferson County approved Image to scale map, USGS to scale map or other GIS/CAD based to scale Map with the location and route of the overweight vehicle, including roads, major stream crossings, scale, northerly direction will satisfy the plat requirements.

The completed application forms, maps, fee and bond information must be returned to:

Mail

**Jefferson County Engineering Department
1149 Pearl Street – 5th Floor
Beaumont, Texas 77701**

Email

ATTN: JEFCOENG@co.jefferson.tx.us

Time Limits

The applicant is allowed ninety (90) days to complete new installation or may be allowed one (1) year annual permit for maintenance operations from the granting of the permit by Jefferson County Commissioners' Court to complete operations. If the applicant can not complete the work within the allowed time frame specified, the applicant may re-apply. Any re-application must be completed prior to the expiration of the previously issued permit.

Bonds

The applicant shall have in force with Jefferson County a performance bond in the principal amounts of \$50,000.00 for each roadway crossing, or \$35,000.00 per culvert crossing. The applicant shall have in force with Jefferson County a performance bond in the principal amounts of \$100,000 per mile under 100,000 pounds (Overweight) or \$200,000 per mile over 100,000 pounds (Super Heavy Weight). The bond shall be

payable to Jefferson County for use and benefit of protecting against damage to Jefferson County's property. If damage exceeds coverage of the bond, the applicant will be liable to pay such additional costs.

The Bond shall provide that it may not be cancelled, altered or otherwise modified without fifteen (15) days prior written notice to Jefferson County. The bond shall be good and in effect for the length of the permit or such time as operations may be reasonably expected to be in effect.

Changes and Alterations

Advance notification in writing (U.S. mail / Email) to the Jefferson County Engineering Department will be required for any changes or alterations in the Oversize/Overweight Vehicle Permit except in emergency situations where the safety of the public would be endangered.

In any such emergency, contact the Jefferson County Engineering Department by phone (409) 835-8584 and inform him/her of the emergency situation and any proposed solution. As soon as practical, but no later than 48 hours after starting the emergency response, the permit holder shall notify the County Engineering Department in writing of the emergency response effected, in detail and the reason(s) immediate action was necessary.

It is, therefore, RESOLVED and ORDERED that the following weight limitations be and hereby are established for all vehicular traffic on county roads pursuant to and in accordance with the county's authority under Section 621.301, Transportation Code.

- (a) A vehicle or combination of vehicles may not be operated over or on a county road if the vehicle or combination exceeds the maximum weight of load as specified in Section 621.101, Transportation Code, to wit:
 - (1) an axle that carries a load heavier than:
 - A. 16,000 pounds on high-pressure tires; or
 - B. 20,000 pounds on low-pressure tires, including all enforcement tolerances as established in the Transportation Code;
 - (2) a tandem axle weight heavier than 34,000 pounds, including all enforcement tolerances as established in the Transportation Code.
 - (3) an overall gross weight on a group of two or more consecutive axles heavier than the weight computed using the following formula and rounding the result to the nearest 500 pounds:
$$W = 500(LN/(N - 1)) + 12N + 36$$

Where:

"W" is the maximum overall gross weight on the group;

"L" is the distance in feet between the axles of the group that are the farthest apart; and

"N" is the number of axles in the group;

- (4) a weight heavier than:
 - A. 600 pounds for each inch of the width concentrated on the surface of the highway on a wheel using high-pressure tires; or

- B. 650 pounds for each inch of tire width concentrated on the surface of the highway on a wheel using low-pressure tires; or

(5) a wheel that carries a load heavier than:

- A. 8,000 pounds on high-pressure tires; or
- B. 10,000 pounds on low-pressure tires.

(b) Notwithstanding subsection (a)(3), two consecutive sets of tandem axles may carry a gross load of not more than 34,000 pounds each, if the overall distance between the first and last axles of the consecutive sets is 36 feet or more. The overall gross weight on a group of two or more consecutive axles may not be heavier than 80,000 pounds, including all enforcement tolerances as established in the Transportation Code.

(c) For the purposes of this ORDER, the load carried on an axle is the total transmitted to the road by all wheels the centers of which can be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

Notwithstanding any other provision of this Resolution, the following roads are excluded from the Resolution and are limited to the gross weight limits as indicated:

Hillebrandt Road from Humble Road to Hwy. 365 – in Precinct No. 4 and 2 – 10,000 pounds.

LaBelle Road from Steinhagen Road to Hwy. 365 – in Precinct No. 4 and 2 – 32,000 pounds.

Keith Road from Hwy. 105 to Calder – in Precinct 1 – 32,000 pounds.

Walden Road from Major Drive to South Pine Island – in Precinct No. 1 – 32,000 pounds.

South Pine Island Road to Hwy. 90 – in Precinct No. 1 – 32,000 pounds.

Tram Road from Hwy. 105 to County Line – in Precinct No. 1 – 32,000 pounds.

Tolivar Canal Road – in Precinct No. 1 – 32,000 pounds.

Gentry Road from Reins Road to Dishman – in Precinct No. 1 – 32,000 pounds.

Grayburg Road from FM 362 TO Hwy. 90 – in Precinct No. 1 – 32,000 pounds.

Moore Road from Reins Road to Old Sour Lake Road – in Precinct No. 1 – 32,000 pounds.

Dishman Road from Major Drive to Reins Road – in Precinct No. 1 – 32,000 pounds.

Westbury Road from Broadway to Old Sour Lake Road – in Precinct No. 1 – 32,000 pounds.

Reins Road from Hwy. 105 to Moore Road – in Precinct No. 1 – 32,000 pounds.

Aggie Drive from Old Sour Lake Road to Hwy. 90 – in Precinct No. 1 – 32,000 pounds.

Old Sour Lake Road from Calder Avenue to Bayou – in Precinct No. 1 – 32,000 pounds.

Broadway from Hwy. 90 to North China Road – in Precinct No. 1 – 32,000 pounds.

Broadway from Hwy. 90 to South China Road – in Precinct No. 1 – 32,000 pounds.

South China Road to County Line – in Precinct No. 1 – 32,000 pounds.

North China Road to Old Sour Lake Road – in Precinct No. 1 – 32,000 pounds.

LaBelle Road from Hwy. 73 North to Burrell Wingate Road – in Precinct No. 2 – 24,000 pounds.

Jap Road from Patterson Road South to Hwy. 73 – in Precinct No. 2 – 28,000 pounds.

Craigen Road from Clark Refining entrance East to Patterson Road – in Precinct No. 2 – 32,000 pounds.

Wilber Road from New Park Industries entrance South to East Hamshire Road – in Precinct No. 2 and 3 – 32,000 pounds.

Santa Fe Trail – in Precinct No. 3 – 32,000 pounds.

Mesa Lane – in Precinct No. 3 – 32,000 pounds.

Mustang Trail – in Precinct No. 3 – 32,000 pounds.

Sandy Lane from FM 365 to Dead End – in Precinct No. 3 – 32,000 pounds.

Southfork Drive – in Precinct No. 3 – 32,000 pounds.

Azalea Drive – in Precinct No. 3 – 32,000 pounds.

Oleander Avenue – in Precinct No. 3 – 32,000 pounds.

Orchid Avenue – in Precinct No. 3 – 32,000 pounds.

Camellia Drive – in Precinct No. 3 – 32,000 pounds.

Magnolia Drive – in Precinct No. 3 – 32,000 pounds.

Holly Avenue – in Precinct No. 3 – 32,000 pounds.

Coon Road – in Precinct No. 3 – 32,000 pounds.

Gordon Road – in Precinct No. 3 – 32,000 pounds.

Glen Road – in Precinct No. 3 – 32,000 pounds.

East Hamshire Road – in Precinct No. 3 – 32,000 pounds.

North Wilber Road – in Precinct No. 3 – 32,000 pounds.

Bayou Trace – in Precinct No. 3 – 32,000 pounds.

Cypress Lane – in Precinct No. 3 – 32,000 pounds.

Wise Road – in Precinct No. 3 – 32,000 pounds.

Maverick Lane – in Precinct No. 3 – 32,000 pounds.

McCall Road – in Precinct No. 3 – 32,000 pounds.

League Road – in Precinct No. 3 – 32,000 pounds.

Alamo Street – in Precinct No. 3 – 32,000 pounds.

2nd Street – in Precinct No. 3 – 32,000 pounds.

Main Street – in Precinct No. 3 – 32,000 pounds.

San Jacinto – in Precinct No. 3 – 32,000 pounds.

Hall Road – in Precinct No. 3 – 32,000 pounds.

Fig Plant Road – in Precinct No. 3 – 32,000 pounds.

Powers Road – in Precinct No. 3 – 32,000 pounds.

West Powers Road – in Precinct No. 3 – 32,000 pounds.

Martin Street – in Precinct No. 3 – 32,000 pounds.

Glory Road – in Precinct No. 3 – 32,000 pounds.

Old Big Hill Road – in Precinct No. 3 – 32,000 pounds.

Wilford Road – in Precinct No. 3 – 32,000 pounds.

Clifton Avenue – in Precinct No. 3 – 32,000 pounds.

Jackie Road – in Precinct No. 3 – 32,000 pounds.

Dell Dale Avenue – in Precinct No. 3 – 32,000 pounds.

Ward Circle – in Precinct No. 3 – 32,000 pounds.

Bergeron Drive – in Precinct No. 3 – 32,000 pounds.

Sandell Drive – in Precinct No. 3 – 32,000 pounds.

Horton Drive – in Precinct No. 3 – 32,000 pounds.

Buccaneer Road – in Precinct No. 3 – 32,000 pounds.

Heckaman Loop – in Precinct No. 3 – 32,000 pounds.

French Village – in Precinct No. 3 – 32,000 pounds.

Gallier Road – in Precinct No. 3 – 32,000 pounds.

Hamshire Road from Hwy. 124 to IH-10 – in Precinct No. 3 – 32,000 pounds.

Rollins Road from Englin Road to Hwy. 124 – in Precinct No. 3 – 32,000 pounds.

Kiker Road from Hwy. 124 to Hwy. 73 – in Precinct No. 3 – 32,000 pounds.

Brush Island Road from Hamshire Road to Rollins Road – in Precinct No. 3 – 32,000 pounds.

It is further RESOLVED and ORDERED that any vehicular traffic exceeding any of the foregoing weight limits be and hereby is divided into two categories.

CATEGORY 1: OVERWEIGHT VEHICLES – Vehicles exceeding any of the foregoing weight limits but which do not exceed 100,000 pounds in overall gross weight on a group of two or more consecutive axles.

CATEGORY 2: SUPERHEAVY VEHICLES – Vehicles exceeding any of the foregoing weight limits with an overall gross weight on a group of two or more consecutive axles exceeding 100,000 pounds.

Violations of this Order shall be adjudicated in accordance with Section 251.161, Transportation Code, which provides that a violation of a County Weight Limit Order is a misdemeanor which will be punished by a fine not to exceed \$50.00 for the first offense; a fine not to exceed \$200.00 for the second offense; and for each subsequent offense, a fine not to exceed \$500.00; confinement in the County jail for a period not to exceed sixty (60) days; or both the fine and confinement.

This Resolution supersedes and repeals the 1999 Resolution of the Jefferson County Commissioners' Court concerning maximum weight limits for County roads, and shall be in full force and effect from the _____ day of _____, 20_____.

Jeff Branick, Jefferson County Judge

Commissioner Vernon Pierce
Precinct 1

Commissioner Darrell Bush
Precinct 2

Commissioner Michael Sinegal
Precinct 3

Commissioner Everette "Bo" Alfred
Precinct 4

Application Date

Permit NumberState Permit Number
(If Applicable)

Precinct Number

JEFFERSON COUNTY OVERWEIGHT VEHICLE PERMIT

Business Name: _____ Phone Number: _____

Business Address: _____

Local Representative: _____

Description of Work/Type/Location: _____
_____Description of Route: _____

Bond Number: _____ Bond Amount: _____

Check Applicable Boxes: Under 100,000 Lbs. Over 100,000 Lbs. Over 200,000 Lbs.
 90 Day Renewal Permit (\$200 Fee) Original Permit Number: _____
 One (1) Year Annual Permit (\$500 Fee)Permit Approved: Yes No (If No Reason) _____

This Overweight Vehicle Permit is granted by Jefferson County. Permittee agrees to be responsible for any and all damage to the roadway and related structures and will in all ways conform to the terms and conditions of this permit as set forth in the Jefferson County Overweight Vehicle Permit Resolution.

Jefferson County

Business Name

County Engineer

Mailing Address

Precinct Superintendent

Representative Name and Title

Engineering Specialist

Representative Signature and Date