

2023
SHORT ANSWERS TO COMMON
QUESTIONS

TEXAS ASSOCIATION OF COUNTIES

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TEXAS ASSOCIATION *of* COUNTIES

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COMMON ROAD AND BRIDGE QUESTIONS

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The  symbol indicates sections that have been updated since the previous publication.

OPENING AND CLOSING ROADS

1. May a commissioners court open a new road on its own motion, or is a landowner petition required?

A commissioners court may open a new road on its own motion or upon application by members of the public.¹ Tex. Transp. Code §251.051 provides general authority for a commissioners court to lay out and open new roads, and Tex. Transp. Code §251.052 authorizes the commissioners court to open a new road on petition by eight landowners in a precinct and sets out what information must be included in the petition.

2. Is a unanimous vote of the commissioners court required to open a new road?

No. A unanimous vote of the commissioners court is required to close, abandon, or vacate a public road, or alter a public road, except to shorten it from end to end. A unanimous vote is not required to open or discontinue a road.²

¹ Whether a commissioners court had authority to open a new road on its own motion or only upon application by private citizens was settled by the Texas Supreme Court in *Robison et al. v. Whaley Farm Corporation*, 120 Tex. 633 (1931). See also, *Parkey v. Archer County*, 61 S.W.2d at 179 (Tex. App. – Fort Worth, 1933, reh'g denied).

² Tex. Transp. Code §251.051

3. Which roads may a commissioners court discontinue, close or abandon?

A commissioners court may not discontinue, close, or abandon an entire first-class or second-class road unless the road has been vacated or unused for at least three years.³ A commissioners court may abandon a public road that has not been accepted into the county's road maintenance system.⁴ There is no "wait-period" to discontinue, close, or abandon a third-class road or a portion or portions of a first-class or second-class road under the Transportation Code.

A commissioners court may not discontinue, close or abandon a road to a cemetery, unless (1) the road is a cemetery road and the landowner whose property adjoins the road has not filed notice with the county clerk that the landowner will provide access to the cemetery as provided in Section 711.041, Health & Safety Code; or (2) the fenced road is necessary to reach adjoining property.

4. If a commissioners court closes, abandons, discontinues or vacates a road, must an alternate route be provided?

It depends. "Discontinuing" a road means to cease maintaining the road.⁵ A commissioners court may not discontinue a road before a new road designated by the court is ready to replace it.⁶

There is no statutory requirement to provide a new, alternate route when a commissioners court closes, abandons, or vacates a road. *See* Tex. Att'y Gen. Op. No. GA-0088 (2003), discussing, in theory, the commissioners court's ability to close, abandon, or vacate a road without providing an alternate route.

5. Can the commissioners court close, abandon, or vacate a road over the objection of abutting landowners?

No. An abutting landowner acquires a property interest in the use and access to an abutting roadway. A commissioners court may not close the road over the abutting landowners' objection, but it may discontinue maintenance and supervision of the road.^{7 8}

³ Tex. Transp. Code §251.051(d)

⁴ Tex. Att'y Gen. Op. No. KP-0436 (2023)

⁵ Tex. Transp. Code §251.001(2)

⁶ Tex. Transp. Code §251.051(c)

⁷ Tex. Transp. Code §251.058

⁸ *See also, Smith County v. Thornton*, 726 S.W.2d 2 (Tex. 1986) (citing cases)

RIGHT-OF-WAY MAINTENANCE

1. Is there a minimum amount of maintenance that must be performed on a county road or right-of-way?

No. There is no express requirement to maintain a county road or right-of-way other than the requirement that the rights-of-way be kept free of obstructions.⁹ However, if a county road becomes so degraded that its condition poses a “special defect” and the county knows about it, the county could be liable for personal injuries or death resulting from the condition of the road. A discussion of what constitutes a “special defect” is beyond the scope of this publication.



A Sheriff’s office or fire department may remove personal property from a roadway or right-of-way if they determine that the property blocks the roadway or endangers public safety.¹⁰ The commissioners court of a county that has a fire department should develop a policy for consulting with law enforcement agencies to remove personal property from a roadway or right-of-way.¹¹ The definition of personal property includes an unattended manufactured home.¹²

2. May the commissioners court simply divide the funds allocated for road and bridge work for the year equally among the county’s precincts?

No. While the commissioners court has broad discretion about how and when to maintain the county roads and how to budget for road maintenance expenditures,¹³ an appeals court has ruled that a commissioners court’s order distributing road and bridge funds equally among the county’s four precincts without considering the condition of roads, traffic, or the amount of taxes collected in each precinct for road and bridge purposes was an abuse of discretion.¹⁴

⁹ Tex. Transp. Code §251.008

¹⁰ Tex. Transp. Code §545.3051, amended by SB 1413, 88th (R.S.) Leg., effective May 27, 2023

¹¹ Tex. Transp. Code §545.3051(f), added by SB 1413, 88th (R.S.) Leg., effective May 27, 2023

¹² Tex. Transp. Code §545.3051(a)(3)(E)

¹³ Tex. Transp. Code §251.016 states, “The commissioners court of a county may exercise general control over all roads, highways, and bridges in the county.” Tex. Transp. Code §251.003 states, “The commissioners court of a county may make and enforce all necessary rules and orders for the construction and maintenance of public roads.”

¹⁴ *Garland et al. v. Sanders et al.*, 114 S.W.2d 302 (Civ.App—Dallas, 1938)

3. May the commissioners court remove or order the removal of fencing that poses a hazard to public users of the road?

Yes, subject to judicial review. Tex. Transp. Code §251.008(1) requires public roads of all classes to be free of all obstructions, and Tex. Transp. Code §251.003(a)(1) authorizes the commissioners court to make and enforce all necessary rules and orders for the construction and maintenance of public roads. Based on the authority provided in the Transportation Code, the Texas Attorney General's Office opined that a commissioners court may remove or order the removal of fencing that creates a safety hazard to the public users of the road.¹⁵

4. May the commissioners court remove or order the removal of trees and shrubs that pose a hazard to the public's use of the county's right-of-way?

Yes, subject to judicial review. Tex. Transp. Code §251.008(1) requires public roads of all classes to be free of all obstructions, and Tex. Transp. Code §251.003(a)(1) authorizes the commissioners court to make and enforce all necessary rules and orders for the construction and maintenance of public roads. Based on the authority provided in the Transportation Code, the Texas Attorney General's Office opined that a commissioners court may remove or order the removal of trees and shrubs in the right of way that create a safety hazard to the public users of the road.¹⁶

5. May the commissioners court sell or otherwise dispose of trees, shrubs, or timber cut down or removed from the right-of-way?

Yes, subject to judicial review. Tex. Transp. Code §251.008(1) requires public roads of all classes to be free of all obstructions, and Tex. Transp. Code §251.003(a)(1) authorizes the commissioners court to make and enforce all necessary rules and orders for the construction and maintenance of public roads. Based on the authority provided in the Transportation Code, the Texas Attorney General's Office opined that a commissioners court may sell or otherwise dispose of trees, shrubs, or timber growing in the public's right-of-way.¹⁷

¹⁵ See Tex. Att'y Gen. Op. No. GA-0703 (2009)

¹⁶ See Tex. Att'y Gen. Op. No. JM-1241 (1990)

¹⁷ See Tex. Att'y Gen. Op. No. JM-1241 (1990)

6. May the commissioners court order a private landowner to allow the county to enter upon private land to cut or trim trees or shrubs interfering with the public right-of-way?

No. There is no statutory authority for the commissioners court to demand access to private land in order to maintain the public's right of way. However, the commissioners court may seek the landowner's consent to enter private property. It is advised that the landowner's consent be in writing and accompanied by a written waiver of liability.

7. May a landowner put a fence across a third-class road?

Yes, conditioned on the following: Texas Transp. Code §251.010 authorizes a person, including a neighborhood association, who owns or controls real property on which a third-class road or a neighborhood road (see Question 10 below) is located for which the right-of-way was obtained without cost to the county to erect a gate across the road "when necessary" and with commissioners court approval. The Attorney General has opined that a landowner must remove a gate across a third-class road if the commissioners court has constructed a cattle guard to replace it.¹⁸

8. May a commissioners court accept private donations for road maintenance and repair?

Yes. Counties are statutorily authorized to accept donations for the purpose of road maintenance and repairs. Counties operating under the road commissioner or superintendent systems may accept donations of labor, money, or other property to aid in building or maintaining county roads under Tex. Transp. Code §§252.109 and 252.214. Under §81.032 of the Local Government Code, counties operating under the ex officio road system may accept gifts, grants or donations for the purpose of performing a function conferred by law on the county – in this case, road construction and maintenance. There is no specific statute authorizing counties under the unit system to accept donations for road maintenance and repair, but donations for road maintenance and repair in a unit system county can be accepted under the general grant of authority in §81.032 of the Local Government Code.

¹⁸ Tex. Att'y Gen. Op. No. LO-98-120 (1998)

9. How wide is the county's easement or right-of-way?

While Tex. Transp. Code §251.007 lists the minimum and maximum widths for first and second-class roads and the minimum width for third-class roads, there is no statute that defines the width of an easement. The width of an easement will depend on what was dedicated, condemned, purchased, or acquired by prescription. Reference to maps, plats, deeds, surveys, or commissioners court minutes may indicate the width of an easement.

10. May a county perform maintenance work on private property?

Generally, a county may not repair or maintain a private road or property, subject to a few exceptions:

Counties with a population under 7,500

A constitutional amendment authorizes counties with a population of 7,500 or less to construct or repair private roads if the county charges a reasonable amount for the work. Revenue received from private road work may be used only for the construction, including right-of-way acquisition, or maintenance of public roads.¹⁹

Neighborhood Roads

Chapter 253 of the Transportation Code authorizes a procedure for improving private subdivision roads "to comply with county standards for roads" where the condition of the roads impacts the public's health, safety or welfare. If the commissioners court determines that improvement of a road in a subdivision or of an access road to a subdivision is necessary for the public health, safety, or welfare of the residents of the county, the commissioners court may propose to (1) improve the road to comply with county standards for roads; and (2) assess all or part of the costs of the improvement pro rata against the record owners of the property.²⁰

The commissioners court must publish notice of the proposed improvement and assessment at least twice in a newspaper of general circulation in the county, and the notice must state the date the commissioners court will hold a public hearing to consider the proposed improvement and assessment.²¹ The commissioners court must hold a public hearing on the proposed improvement and assessment on or after

¹⁹ Tex. Const. Art. III, section 52f

²⁰ Tex. Transp. Code §253.003

²¹ Tex. Transp. Code §253.004

the 31st day after the first required notice is published.²² Within 10 days of the public hearing, the commissioners court must send a ballot and an addressed stamped envelope via certified mail to each record owner of real property in the subdivision or part of the subdivision to be assessed.²³ The ballot must state the maximum assessment that could be made against each property.

Not later than the 30th day after the date of the public hearing, the county clerk shall tally the returned ballots and declare the results to the commissioners court. If a majority of ballots are in favor of the improvement and assessment, the commissioners court shall order the improvements and assess the costs of the improvements against the real property owners of the subdivision.²⁴

A private subdivision road improved under Chapter 253 becomes a county road.²⁵

Completion or Repair of Subdivision Roads Not Accepted into Road System

Chapter 232 of the Local Government Code authorizes counties to regulate subdivisions and specifically authorizes counties to establish minimum standards for the construction of subdivision streets and roads and associated drainage features.²⁶

A county may require a construction bond as security to the county that the developer will comply with the county's subdivision rules and to facilitate completion or repair of subdivision roads and drainage facilities should the developer fail to honor its obligations.²⁷

Chapter 232 does not state how bond funds may be spent. The Texas Attorney General opined that a county has implied authority under Chapter 232 of the Local Government Code to use subdivision bond funds to complete or repair public or private subdivision roads and drainage features.²⁸ A county's expenditure of such funds to complete or repair a subdivision road to ensure conformity with standards adopted for subdivision roads, without more, does not constitute acceptance of the roads into the county's system of roads or obligate the county to further maintain the roads.²⁹

²² Tex. Transp. Code §253.005

²³ Tex. Transp. Code §253.006

²⁴ Tex. Transp. Code §253.007

²⁵ Tex. Transp. Code §253.011

²⁶ Tex. Local Gov't Code §232.003

²⁷ Tex. Local Gov't Code §§232.003(7), 232.004

²⁸ Tex. Att'y Gen. Op. No. KP-0256 (2019)

²⁹ Tex. Att'y Gen. Op. No. KP-0256 (2019)

Driveways and Culverts

There is limited authority to clear drainage ditches and culverts on private property in counties with a population of 100,000 or less that have established a drainage system under Chapter 254 of the Transportation Code. The private ditch or culvert must connect with a drainage ditch constructed or maintained by the county. Before removing blockage in a private ditch, the commissioners court must provide 20 days' notice by certified mail to the record owners of the property that they are in violation of an order adopted under Chapter 254 of the Transportation Code.³⁰

11. Can a county require a permit and fee for installing an access point to a county road?

Yes. The commissioners court, under its general authority to make and enforce all necessary rules and orders for the construction and maintenance of public roads and to exercise general control over the roads, may require a permit for the construction of an access point to a county road. Under the specific authority in Tex. Transp. Code §251.017, the commissioners court may set a reasonable fee related to the impact the access points will have on county roads.³¹

12. May the commissioners court charge a fee for cutting a road for cable installation, utilities, or other purposes?

To provide funds for the future inspection, repair, and maintenance of a cut road, a county may impose a fee for each cut of a county road during or as an incident to the installation, maintenance, or repair of any facilities or properties of the person or entity.³² The fee may not exceed \$500, may be imposed either before or after the cutting of the road; and is in addition to any other charge the county is authorized to impose to repair damage to the road because of the cut.

This fee does not apply in relation to a person or other entity that has entered into an agreement with the county that provides for fees to be paid by the person or entity for the use of the county roads; or is a utility that is not required under Chapter 181, Utilities Code, to provide notice to a commissioners court of a county.

³⁰ Tex. Transp. Code §254.008

³¹ Tex. Att'y Gen. Op. No. GA-1013 (2013)

³² Loc. Gov't Code §240.907

A county may impose the §240.907 fee for the activities of excavating or cutting the surface of a county road, but not for activities that bore or tunnel under a county road without cutting the road surface.³³

13. Can a county deny the installation of public utilities in the right-of-way?

The county has no authority to deny the excavation of the right-of-way for installation of a public utility. However, the county can designate the location of the placement of some public utility lines within the right-of-way.³⁴

14. Are commissioners' road reports still required?

No. Sections 251.006 and 251.018 of the Texas Transportation Code contained the road report requirement. Both sections have been repealed, and the requirement to submit a road report to apply for State transportation grant funding has been deleted.³⁵

TRAFFIC CONTROL

1. May a commissioners court limit truck traffic on a county road?

The Attorney General has opined that a commissioners court may forbid all truck traffic on a county road by posting a "No Thru Truck Traffic" on a road.³⁶

2. May the commissioner court set speed limits on county roads?

The commissioners court of a county, by order entered on the minutes of the court, may determine and set a maximum reasonable and prudent speed for a vehicle travelling on any segment of a county road. In determining the maximum reasonable and prudent speed, the commissioners court shall consider all circumstances on the affected segment of the road, including the width and condition of the road surface and the usual traffic on the road.

³³ Tex. Att'y Gen. Op. No. GA-0722 (2009)

³⁴ See Tex. Utilities Code §§181.024, 181.044

³⁵ Tex. Transp. Code §§251.005 and 251.018 repealed and §252.006(e) and §256.106(a) amended by SB 160, 87th (R) Leg., Effective June 14, 2021.

³⁶ Tex. Att'y Gen. Op. No. GA-0088 (2003)

A speed limit set by the commissioners court is effective when appropriate signs giving notice of the speed limit are installed on the affected segment of the county road.³⁷

3. May the commissioners court adjust the speed limit on a county road?

The commissioners court may modify a speed limit by an order entered on its records.

The commissioners court has authority to **increase speed limits** based on the results of an engineering and traffic investigation.³⁸ The commissioners court may not establish a speed limit of more than 70 miles per hour.³⁹

The commissioners court of a county may declare a **lower speed limit** of not less than 30 miles per hour on a county road or highway if the commissioners court determines that the speed limit is unreasonable or unsafe, or 20 miles per hour in a residence district, unless the roadway has been designated as a major thoroughfare by a city planning commission. An engineering and traffic investigation is not required if a commissioners court is lowering a speed limit to 30 miles per hour on a county road or highway or 20 miles per hour on a county road within a residential district.⁴⁰

The commissioners court of a county with a population of more than 2.8 million may establish, based on the results of an engineering and traffic investigation, a speed limit of not more than 75 miles per hour on any part of a highway of that county that is a limited-access or controlled-access highway, regardless of the location of the part of the highway.⁴¹

4. What traffic-control devices can a county install on their roads?

The commissioners court of a county may adopt regulations establishing a system of traffic control devices in restricted traffic zones on a county road. A system of traffic control devices must conform to the Texas Department of Transportation's Manual on Uniform Traffic Control Devices for Streets and Highways. The commissioners court by order entered on its minutes may install and maintain any traffic signal light, stop sign, or no-parking sign that the court considers necessary for public safety.⁴²

³⁷ Tex. Transp. Code §251.154

³⁸ Tex. Transp. Code §545.355(a)

³⁹ Tex. Transp. Code §545.355(c)

⁴⁰ Tex. Att'y Gen. Op. No. JC-0079 (1999)

⁴¹ Tex. Transp. Code §545.355(e)

⁴² Tex. Transp. Code §251.155

The Attorney General has opined that center stripes and speed bumps, if they are used to regulate, warn, or guide traffic, are traffic-control devices that a county may install. Center stripes must conform to standards set out in the Manual. A county may install a speed bump on a county road only if it has received permission to do so from the Texas Department of Transportation.⁴³

5. May a county extend traffic rules to roads in a private subdivision?

A county commissioners court may extend all or some of the traffic rules applicable to county roads to roads in a private subdivision under certain conditions⁴⁴:

- The subdivision must be located in the unincorporated area of a county with a population of 500,000 or less.
- On petition of 25 percent of the property owners residing in a subdivision in which the roads are privately maintained or on the request of the governing body of the entity that maintains those roads, the commissioners court of the county by order may extend any traffic rules that apply to a county road to the roads of the subdivision if the commissioners court finds the order in the interest of the county generally.
- The petition must specify the traffic rules that are sought to be extended. The court order may extend any or all of the requested traffic rules.

6. May a county extend traffic regulations to roads within a special district?

Under the terms of an interlocal contract under Section 791.036, Government Code, the commissioners court of a county may:

- (1) by order apply the county's traffic regulations to a public road in the county that is owned, operated, and maintained by a special district and located wholly or partly in the county; and
- (2) provide for the enforcement of the regulations.

⁴³ Tex. Att'y Gen. Op. No. JC-0175 (2000)

⁴⁴ Tex. Transp. Code §542.007

A public road that is subject to such an order is considered to be a county road for purposes of applying a traffic regulation to the public road.⁴⁵

REGULATION OF OVERWEIGHT AND OVERSIZE VEHICLES

1. May a commissioners court establish load limits on a county road or bridge?

Yes. Tex. Transp. Code §251.153 authorizes a commissioners court to establish load limits for any road or bridge in the manner prescribed by §621.301 of the Tex. Transp. Code. §621.301 authorizes a commissioners court to establish load limits and limit maximum weights to be moved on or over a county road, bridge or culvert in the same manner and under the same conditions provided for by §621.102 of the Tex. Transp. Code for the executive director of TxDOT.

Under Tex. Transp. Code §621.102, the executive director of TxDOT may set a load limit on a state highway or a farm or ranch road if the executive director finds that heavier maximum weights would rapidly deteriorate or destroy the road or a bridge or culvert along the road based on an engineering and traffic investigation and considering the width, condition, and type of pavement structures and other circumstances on the road.

Considering §621.301 and §621.102 of the Transportation Code together, it follows that a load limit may be set by a commissioners court on a county road if the commissioners court finds that heavier maximum weight would rapidly deteriorate or destroy the county road, bridge or culvert along a road based on an engineering and traffic investigation that considers the width, condition and type of pavement structures and other circumstances on the road.⁴⁶

Concurrence from the Texas Department of Transportation (TxDOT) is required. A load limit is deemed concurred with by TxDOT 30 days after the county submits the load limit accompanied by supporting documentation and calculations reviewed and sealed by an engineer licensed in Texas. However, TxDOT may withdraw concurrence any time after the 30-day period. Counties petition TxDOT for concurrence by submitting a request to the TxDOT district engineer. A maximum weight set by a commissioners court becomes effective on a road when appropriate signs giving notice of the maximum weight are erected by TxDOT on the road under order of the commissioners court.⁴⁷

⁴⁵ Tex. Transp. Code §251.151

⁴⁶ See Tex. Transp. Code §621.102

⁴⁷ Tex. Transp. Code §621.301(d)

2. May a commissioners court require a permit for an overweight vehicle?

Yes, subject to several limitations. Tex. Transp. Code §623.018(a) authorizes the county judge to issue a temporary permit for 90 days for the transportation of an overweight, oversize, or overlength commodity that cannot be reasonably dismantled on county roads that are not part of the state highway system. The commissioners court (and not the county judge) may require a bond sufficient to compensate the county for damage to the road.

However, if a vehicle has been permitted to operate in the county by the State under §623.011⁴⁸ or §623.402⁴⁹, the county may not impose an additional fee, bond or permit requirement.

3. How does my county know if a vehicle has been permitted by the state to operate an overweight vehicle under §623.011 or §623.402?

Effective September 1, 2021, the Texas Department of Motor Vehicles discontinued notifying the county clerk of each county listed in an overweight vehicle permit of the name and address of the person for whom a permit was issued, the VIN and license plate of the vehicle, and forward a copy of the permit and bond or letter of credit for the permit. Now, TxDMV has made available a searchable and downloadable list by county of each permit issued under §623.011. If the county would like a copy of the permit and bond or letter of credit for the permit, the county must request it from TxDMV.⁵⁰

4. May a county recover on an overweight permit holder's bond or letter of credit for road damage caused by the overweight vehicle?

Yes. A county may recover on the \$15,000 bond or letter of credit required for a §623.011 overweight permit. To recover on a bond or letter of credit, the county must sue the permit holder and issuer of the bond or letter of credit in the county in which the defendant resides, the county in which the defendant has its principal place of business in Texas or in the county in which the damage occurred. Additionally, a county may recover damages for negligent operation of a vehicle from the owner and operator of the vehicle under Tex. Transp. Code §251.160.

⁴⁸ Tex. Transp. Code §623.011 is the default "overweight permit" statute authorizing the State to issue permits if a vehicle's axle weight or gross weight do not exceed stated parameters.

⁴⁹ Tex. Transp. Code §621.402 authorizes the state to issue a permit for "sealed intermodal shipping containers" moving in international transportation.

⁵⁰ Tex. Transp. Code §623.013

5. Does a county have the authority to enforce weight limits?

Yes. A commissioners court may authorize a county traffic officer certified by the Texas Department of Transportation to enforce weight limits.^{51 52}

A sheriff and deputy sheriffs whose certification has not been revoked by the Texas Department of Transportation may enforce weight limits.⁵³

A constable and deputy constables in certain counties described in Tex. Transp. Code §621.4015, whose certification has not been revoked by the Texas Department of Transportation, may enforce weight limits.

6. May a county prohibit use of a road?

Yes, subject to limitations and right of appeal to the county judge. Tex. Transp. Code §251.157 authorizes a “road supervisor” to prohibit or restrict use of a road if a road or bridge is unsafe, or if, because of wet weather or recent construction, the road cannot be used without probable serious damage to the road after posting notice of the terms and duration of the prohibition and providing a detour. A vehicle owner or operator may appeal the road use prohibition to the county judge, whose decision to revoke, sustain, or modify the road supervisor’s decision on the prohibition or restriction is final.

Tex. Transp. Code §251.1575 was added by the Legislature in 2013 and authorizes counties to designate an alternate route for heavy vehicles exceeding 60,000 pounds. Notice must be posted at locations that enable drivers to detour to avoid the restricted road.

7. What is the maximum weight for a vehicle or load in Texas?



Generally, 80,000 pounds is the maximum weight for a vehicle load in Texas.⁵⁴ However, there are many exceptions, and the State grants overweight permits. For example, a vehicle powered by an engine fueled primarily by natural gas or powered

⁵¹ See Tex. Att’y Gen. Op. No. KP-0245 (2019) (finding that a court would likely harmonize the State’s weight officer enforcement authority in Chapter 621 and county weight enforcement authority under §251.153 of the Texas Transportation Code).

⁵² Tex. Transp. Code §251.153(b)

⁵³ Tex. Transp. Code §621.401(3)

⁵⁴ See Tex. Transp. Code §621.101(a)

primarily by means of electric battery power may weigh up to 82,000 pounds.⁵⁵ A vehicle used exclusively to transport milk may be up to 90,000 pounds.⁵⁶ Vehicles transporting shipping containers must transport up to 93,000 pounds in certain counties. vehicles transporting “intermodal shipping containers” up to 93,000 pounds in certain counties.⁵⁷ These new overweight permits are in addition to the long list of vehicles and products excepted from the 80,000 pound limit under existing state law.

8. Are emergency vehicles subject to the 80,000 pound weight limitation in Texas?

No. Private and publicly owned emergency vehicles have their own rule. An emergency vehicle may not exceed the greater of the manufacturer’s gross vehicle weight capacity or a gross weight or axle weights specified by statute.⁵⁸

⁵⁵ Tex. Transp. Code §621.101(b-1), as amended by SB 1364, 88th (R.S.) Leg., effective June 2, 2023

⁵⁶ Tex. Transp. Code §622.031

⁵⁷ Tex. Transp. Code §623.402

⁵⁸ Tex. Transp. Code §622.952