



The Senate of
The State of Texas
Austin 78711

KEN ARMBRISTER
District 18

COMMITTEES:
NATURAL RESOURCES, *Chairman*
BUSINESS AND COMMERCE
GOVERNMENT ORGANIZATION
STATE AFFAIRS

RQ-0068-GA

June 17, 2003

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JUN 20 2003

OPINION COMMITTEE

Ms. Susan Gusky
Division Chief, Opinions Committee
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

FILE # ML-43150-03
I.D. # 43150

Dear Ms. Gusky,

I would appreciate an Attorney General's opinion regarding a situation where a county ceases to maintain a county road but the county has not properly absolved itself from responsibility of the roadway, who is responsible for maintenance and liability of the county road if citizens are maintaining the county road in lieu of the county. I have enclosed information regarding my inquiry.

Thank you in advance for the time and consideration for this request. If you have any questions, please call Steve Foster in my committee office at (512) 463-0390.

Sincerely,

Kenneth Armbrister
Texas State Senator

Attn: Steve Foster

6/10/03

Honorable Senator Armbrister,

I would like AN OPINION FROM THE ATTORNEY GENERAL CONCERNING THE SAFETY OF THE TRAVELING PUBLIC ON RIVER ROAD, PACT. 4, REFUGIO CO., TEXAS.

Refugio Co. PACT. 4, STOPPED MAINTENANCE ON THIS ROAD IN 1999, AFTER THE FLOOD OF '98. —

Robert McGill, Refugio Co. Atty., SAID THEY DID NOT ABANDON RIVER ROAD — THEY JUST STOPPED MAINTENANCE ON THE ROAD — THE CO. HAD MAINTAINED THE ROAD CONTINUOUSLY SINCE 1953.

SINCE JANUARY, 1999, THE LANDOWNERS & THOSE OF US WHO HAVE PROPERTY & CATTLE OPERATIONS ON THIS ROAD HAVE CONTRIBUTED TO THE MAINTENANCE. THIS INCLUDES ADDING ROAD MATERIAL, GRADING, & CATTLE GUARD REPAIR. MANY PEOPLE USE THIS ROAD. BURGESS JACKSON WENT TO DISTRICT COURT IN REFUGIO CO. FOR THE A.G. OFFICE & PARKS & WILDLIFE TO PROVE THIS IS A PUBLIC ROAD. DISTRICT JUDGE STEVEN WILLIAMS HEARD THIS CASE APRIL 2, 2001.

WHAT I WANT TO KNOW IS — WHO IS RESPONSIBLE FOR THE SAFETY OF THE TRAVELING PUBLIC ON THIS PUBLIC ROAD?

A CONCERNED CITIZEN,

Sincerely,

Steve Foster