



RAILROAD COMMISSION OF TEXAS  
SURFACE MINING AND RECLAMATION DIVISION

# ADVISORY NOTICE

ADVISORY ID:  
**EN-PS-154**

REVISION NO.:

EFFECTIVE DATE:  
**June 20, 1997**

**SUBJECT:** Abandoned Public Roads; Permit Documentation and Performance Standards

**APPROVAL**

*Walter B. Hodgkin*

**TITLE:** Director

## I. PURPOSE

This Advisory Notice provides guidance regarding interpretation of 16 TAC 12.154(a) pertaining to permit documentation and performance standards required for use of abandoned public roads to support mining operations, which are outside the limits of the immediate mining area but within the permit area.

## II. REGULATION REFERENCE

Title 16, Texas Administrative Code, Chapter 12, Section 154(a) (Road Systems And Support Facilities).

## III. PERMIT DOCUMENTATION AND PERFORMANCE STANDARDS

All routes of travel which meet the definition of a road and, were constructed, authorized, or modified by a Federal, State or County road authority for general public use, may, after abandonment for public use is approved by the appropriate authority, be utilized as ancillary roads to support surface mining activities after Commission approval of appropriate documentation to include at a minimum:

- a) road location map
- b) a statement that normal use and maintenance as an ancillary road will:
  - 1) control or prevent erosion, siltation, and air pollution attendant to erosion;
  - 2) control or prevent damage to fish and wildlife resources;
  - 3) control or prevent contributions of suspended solids to stream flow or runoff outside the permit area;
  - 4) neither cause nor contribute to the violation of State or Federal water-quality standards applicable to receiving waters;
  - 5) not seriously alter the normal flow of water in streambeds or drainage channels;
  - 6) control or prevent damage to public or private property; and
  - 7) use non acid or non toxic-forming substances in road surfacing.

The submittal and approval of plans and drawings in accordance with §§12.154 and 12.400 through 12.403 is required prior to any road design modifications. Additional design information may be required, as necessary, based on site-specific conditions.

The use of abandoned public roads for support of surface mining related activities requires that the road be appropriately covered by a reclamation bond.