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June 18, 2003

Mr. Gib Hafernick
1983 Oakwell Farms Pkwy
San Antonio, Texas 78218

Reference: Public Access, US 87 at Llano River.

Dear Mr. Hafernick

After consulting with our Office of General Counsel, our Maintenance Operations Division, and the Texas Parks and Wildlife Department, we have these conclusions concerning public access of navigable waterways where they intersect with state highway rights of way;

Unless for a legitimate highway-related reason (i.e. safety/maintenance concerns), the state (TxDOT) cannot deny public access to a navigable waterway where it crosses state highway right of way. The state also would not have the authority to lease state highway right of way that would block access to a navigable waterway.

An adjoining landowner may still enter into a stock pass agreement with the state (TxDOT), but cannot in any way block existing access (vehicular or otherwise) of that waterway with a locked gate, fence, or wire gap. Twenty-four hour access must still be provided. However, it must be remembered **the state (TxDOT) is NOT obligated to provide any particular type of access** to a navigable waterway.

In the case of the Llano River Bridge access at US 87 in Mason County, we will be contacting the landowner who has the agreement with the state, and alert him of these findings. It will be his responsibility to take the appropriate actions to bring all matters into compliance with these conclusions. Thank you very much.

Sincerely,

Robert H. Norment
Maintenance Operations Austin District

cc: Mr. Zane Webb P.E.
Mr. Terry McCoy P.E.
Mr. Larry Cavaness
Mr. Crockett Keller