

TRANSPORTATION CODE

TITLE 5. RAILROADS

SUBTITLE 2. MISCELLANEOUS PROVISIONS

CHAPTER 191. STRUCTURES AND MATERIALS NEAR RAILROAD OR RAILWAY

Sec. 191.001. HEIGHT OF STRUCTURES OVER TRACKS. (a) In this section, "structure" includes a bridge, viaduct, overheadway, footbridge, or wire.

(b) The bottom of the lowest sill, girder, or crossbeam or the lowest downward projection of a structure built by the state, a county or municipality, or a railroad company or other corporation, firm, partnership, or individual over the tracks of a railway or railroad shall be placed at least 22 feet above the top of the rails of the tracks.

(c) A roof projection built from a loading platform along a railroad main track, siding track, spur, or switch shall be at least 22 feet above the rails of the track.

Added by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.101, eff. September 1, 2011.

Sec. 191.002. DISTANCE OF STRUCTURES AND MATERIALS FROM TRACKS. (a) A loading platform, house, fence, or other structure built, and lumber, wood, or other material placed, along a railroad in this state, either on or near the right-of-way of a main line or on or near a spur, switch, or siding of the railroad, shall be built or placed so that the nearest edge of the platform, the wall of the building, or the material is at least 8-1/2 feet from the center of the main line, spur, switch, or siding.

(b) The edge of a roof projection from a loading platform along a railroad main track, siding track, spur, or switch shall be at least 8-1/2 feet horizontally from the center of the track.

Added by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.101, eff. September 1, 2011.

Sec. 191.003. EXCEPTION. Sections 191.001 and 191.002 do not apply to:

- (1) a structure that had been built or was in the

course of construction on June 18, 1925, or for the building of which material had been purchased on that date as provided by a prior contract or plan; or

(2) material that had been placed on June 18, 1925, or purchased for placing on that date as provided by a prior contract or plan.

Added by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.101, eff. September 1, 2011.

Sec. 191.004. RULES. The department shall adopt rules in accordance with this chapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.101, eff. September 1, 2011.

Sec. 191.005. WAIVER OF PROVISION. (a) On filing of an application and after notice to the attorney general, the department, for good cause shown, may by order permit a railroad company or other corporation, firm, partnership, or individual or a county or municipality to deviate from a provision of this chapter in accordance with the order.

(b) An action in accordance with an order issued under this section is not considered to violate this chapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.101, eff. September 1, 2011.

Sec. 191.006. CIVIL PENALTY. (a) The attorney general shall immediately bring an action against a railroad company or other corporation, firm, partnership, or individual who violates this chapter to collect a civil penalty in an amount of not less than \$100 or more than \$1,000 for each violation. Each day that a violation continues is a separate violation.

(b) The attorney general may bring a single action for multiple violations by the same corporation, firm, partnership, or individual.

Added by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 24.101, eff. September 1, 2011.