

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE B. STATE HIGHWAY SYSTEM

CHAPTER 250. MISCELLANEOUS PROVISIONS

Sec. 250.001. RESTRICTION ON FENCES IN CERTAIN MUNICIPALITIES. (a) This section applies only to a fence located on land adjacent to a road or highway in the state highway system in a municipality with a population of 1.5 million or more.

(b) The commission may regulate the use of a fence near a road or highway that prevents or obstructs a vehicle from observing other vehicles or traffic in a manner that creates a safety hazard.

(c) The rules may provide for:

(1) setback, height, or visibility requirements for fences;

(2) delayed enforcement of not more than 120 days from the regulations for existing fences that do not comply with current standards; and

(3) any other provision necessary to prevent an unsafe obstruction to the view of traffic on a road or highway.

(d) The failure of the commission to regulate a fence under this section is not admissible as evidence in a civil action that involves allegations that a fence prevents or obstructs a vehicle from observing other vehicles or traffic.

(e) A person commits an offense if the person intentionally violates a rule adopted by the commission under this section. An offense under this section is a misdemeanor punishable by a fine of not less than \$500 or more than \$1,000. Each day of a rule violation is a separate offense.

Added by Acts 1997, 75th Leg., ch. 1224, Sec. 1, eff. June 20, 1997.

Sec. 250.002. RIGHT-OF-WAY ACCOMMODATION FOR BROADBAND-ONLY PROVIDERS. (a) In this section:

(1) "Broadband-only provider" means an entity that exclusively provides broadband service.

(2) "Broadband service" means Internet service with the capability of providing:

(A) a download speed of 25 megabits per second or faster; and

(B) an upload speed of three megabits per second or faster.

(b) The commission by rule shall:

(1) on a competitively and technologically neutral and nondiscriminatory basis with respect to other providers of broadband service, establish an accommodation process that authorizes broadband-only providers to use state highway rights-of-way, subject to highway purposes, for:

(A) new broadband facility installations;

(B) additions to or maintenance of existing broadband facility installations;

(C) adjustments or relocations of broadband facilities; and

(D) existing broadband facilities retained within the rights-of-way; and

(2) prescribe minimum requirements for the accommodation, method, materials, and location for the installation, adjustment, and maintenance of broadband facilities under the accommodation process.

Added by Acts 2021, 87th Leg., R.S., Ch. 571 (S.B. 507), Sec. 1, eff. June 14, 2021.