

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.