

## **BILL ANALYSIS**

Senate Research Center

H.B. 422  
By: Farrar (Gallegos)  
State Affairs  
5-15-97  
Engrossed

### **DIGEST**

Motorists in Houston have registered complaints about their vision being obstructed by fences along Highway 59. These fences inhibit the view of traffic along roads or highways. Additionally, hindering a driver's ability to view traffic creates a serious safety hazard. This bill will provide for regulation by the Texas Transportation Commission of fences along a road or highway in the state highway system in certain municipalities, and provide a penalty.

### **PURPOSE**

As proposed, H.B. 422 provides for regulation by the Texas Transportation Commission of fences along a road or highway in the state highway system in certain municipalities, and provide a penalty.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 6B, Transportation Code, by adding Chapter 250, as follows:

#### **CHAPTER 250. MISCELLANEOUS PROVISIONS**

Sec. 250.001. RESTRICTION ON FENCES IN CERTAIN MUNICIPALITIES. Provides that 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. Authorizes the Texas Transportation Commission (commission) to 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. Authorizes the rules to provide certain criteria. Provides that 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. Provides that a person commits a misdemeanor punishable by a fine of not less than \$500 or more than \$1,000 if the person intentionally violates a rule adopted by the commission under this section. Provides that each day of a rule violation is a separate offense.

SECTION 2. Emergency clause.  
Effective date: upon passage.