

SUBJECT: Prohibiting the display of certain unofficial signs along Texas highways

COMMITTEE: Transportation — committee substitute recommended

VOTE: 7 ayes — Krusee, Phillips, Edwards, Hamric, Harper-Brown, Laney, Mercer
0 nays
2 absent — Garza, Hill

WITNESSES: None

BACKGROUND: Transportation Code, sec. 544.006 prohibits the display of certain unauthorized signs, signals, markings, or devices in view of a highway. Prohibited signs includes those that imitate or resemble official traffic-control devices or railroad signals, those that attempt to direct the movement of traffic, and those that obscure or hinder an official device, sign, or signal.

DIGEST: CSHB 3052 would add to the list of prohibited items within view of a highway any sign that displays a green, red, or yellow light in a moving directional pattern, except for signs marking railroad crossings.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: CSHB 3052 would address an important public safety issue and protect driving conditions on Texas highways. While current law prohibits several signs that could confuse drivers, a potentially distracting sign that displays flashing colors in a directional pattern is not prohibited. This type of sign could resemble signals that TxDOT uses to indicate hazards or detours, and unauthorized signs like this should be prohibited.

The bill would halt the proliferation of “flashing arrow-type” signs used by businesses that often confuse drivers and pose a safety risk. CSHB 3052 would not interfere with a business’ ability to promote itself, since it would prohibit only signs that flashed any of the three official TxDOT colors and moved in a directional pattern.

CSHB 3052 wisely would exempt railroad crossing signs from the list of prohibited items, ensuring that railroad safety signals would not be prohibited under this law.

**OPPONENTS
SAY:**

As written, CSHB 3052 could be interpreted to create an unintentional exception to TxDOT policy allowing an individual or company to place an unofficial railroad crossing sign in view of a highway, as long as it conforms to TxDOT's uniform standards. If the bill is enacted, the law would state that a person could not display any of the signs listed, except for signs marking railroad crossings. This could be interpreted as broadly authorizing any railroad crossing sign, regardless of whether it met TxDOT or railroad company standards.

NOTES:

The bill as introduced did not include the exception for railroad crossing signs.