

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1128
By: Bernsen
Intergovernmental Relations
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Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, many Texas cities have provisions restricting or prohibiting the construction of billboards. However, municipal restrictions do not apply in rural and unincorporated areas. C.S.S.B. 1128 requires the Texas Department of Transportation to consider aesthetic, safety, and environmental factors in its construction planning; it requires a certain expenditure for highway landscaping; it bans new billboards on certain sections of state highways; and it creates a civil penalty for violation of the restriction on billboards.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 2 (Section 201.614, Transportation Code) and the Texas Department of Transportation in SECTION 5 (Section 391.253, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 216.001, Local Government Code, by adding Subsection (d) to provide that this subchapter does not allow the relocation or reconstruction of a billboard in violation of Chapter 391I, Transportation Code.

SECTION 2. Amends Chapter 201H, Transportation Code, by adding Section 201.614, as follows:

Sec. 201.614. DESIGN CONSIDERATIONS. Requires the Texas Department of Transportation (department) to consider certain factors when developing transportation projects that involve the construction, reconstruction, rehabilitation, or resurfacing of a highway, other than a maintenance resurfacing project. Requires the Texas Transportation Commission (commission) to adopt rules to implement this section.

SECTION 3. Amends Chapter 201I, Transportation Code, by adding Section 201.708, as follows:

Sec. 201.708. LANDSCAPING EXPENDITURES. (a) Requires the department to spend not less than \$6 million annually for the installation and maintenance, for functional and aesthetic design purposes, of highway landscape improvements, including certain items.

(b) Requires the department to make reasonable efforts to spend more than the amount specified in Subsection (a) for landscape improvements.

(c) Prohibits the department from installing landscape improvements under this section that will obscure a lawfully erected off-premise sign, as defined by Section 394.001.

(d) Authorizes the department to accept gifts, grants, and contributions from private and other sources for the purposes of this section. Provides that the use of gifts and grants is subject only to limitations contained in the gift or grant.

SECTION 4. Amends the heading to Chapter 391, Transportation Code, to read as follows:

CHAPTER 391. HIGHWAY BEAUTIFICATION ON INTERSTATE AND PRIMARY
SYSTEMS AND CERTAIN ROADS

SECTION 5. Amends Chapter 391, Transportation Code, by adding Subchapter I, as follows:

SUBCHAPTER I. PROHIBITION OF SIGNS ON CERTAIN HIGHWAYS

Sec. 391.251. DEFINITIONS. Defines “off-premise sign” and “advertising.”

Sec. 391.252. OFF-PREMISE SIGNS PROHIBITED. Prohibits a person from erecting an off-premise sign that is visible from certain highways and roads.

Sec. 391.253. REERECTION, RECONSTRUCTION, REPAIR, OR REBUILDING OF OFF-PREMISE SIGNS. (a) Authorizes an off-premise sign that is visible from a highway listed in Section 391.252 that is blown down, destroyed, taken down, or removed for a purpose other than maintenance or to change a letter, symbol, or other matter on the sign to be reerected, reconstructed, repaired, or rebuilt only if the cost of doing so is not more than 60 percent of the cost of erecting a new off-premise sign of the same size, type, and construction at the same location.

(b) Authorizes the department by rule to permit the relocation of an off-premise sign visible from a highway listed in Section 391.252 to another location that is visible from the same highway if certain conditions are met.

Sec. 391.254. CIVIL PENALTY. (a) Provides that a person who violates Section 391.252 is liable to the state for a civil penalty of not less than \$500 or more than \$1,000 for each violation, depending on the seriousness of the violation. Authorizes a separate penalty to be collected for each day a continuing violation occurs.

(b) Authorizes the attorney general, the district or county attorney for the county, or the municipal attorney of the municipality in which the violation is alleged to have occurred to bring a suit to collect the penalty.

(c) Requires a civil penalty collected by the attorney general under this section to be deposited to the credit of the state highway fund and authorizes it to be used only for a purpose described by Section 201.708.

SECTION 6. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by replacing the previously proposed provisions regarding billboards and transportation projects with almost entirely new ones regarding the development of transportation projects, landscaping expenditures, and signs. It specifies sections of highways on which new billboard-type signs may not be erected, rather than banning new billboards outright.