

## **BILL ANALYSIS**

Senate Research Center  
78R14788 JRJ-F

C.S.S.B. 1085  
By: Madla  
Intergovernmental Relations  
5/6/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, sign ordinances differ from municipality to municipality. Certain municipalities have bill board ordinances that allow sign companies to relocate bill boards in the event of a road widening or a construction project by a governmental entity. C.S.S.B. 1085 makes municipal sign ordinances consistent.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 391.033, Transportation Code, by amending Subsection (a) and adding Subsections (c), (d), and (e), as follows:

- (a) Authorizes the Texas Transportation Commission (TTC) to acquire by gift, purchase, agreement, exchange, or eminent domain outdoor advertising that is lawfully in existence on a highway in the interstate or primary system.
- (c) Provides that for purposes of this chapter, just compensation includes damages to remaining property, contiguous and noncontiguous, included in the interest of the owner of the outdoor advertising, that together with the property actually acquired by eminent domain constituted an economic unit.
- (d) Prohibits TTC, except as provided by this chapter, from requiring the removal or the relocation of outdoor advertising or that maintenance of outdoor advertising be discontinued unless at the time of removal, relocation, or discontinuance certain factors are met.

SECTION 2. Amends Section 391.034, Transportation Code, by adding Subsection (d), to authorize the Texas Department of Transportation (TxDOT) to remove outdoor advertising that is erected or maintained in violation of this chapter without payment of compensation to the owner or lessee.

SECTION 3. Amends Subchapter C, Chapter 391, Transportation Code, by adding Section 391.0651, as follows:

Sec. 391.0651. NOTICE OF AMENDED AND PROPOSED RULES. Requires TTC to give written notice within a reasonable time to all outdoor advertising license and permit holders of any change or proposed change in rules adopted under this chapter. Requires the notice to be given not later than 60 days before the effective date of the change.

SECTION 4. Amends Section 391.181(a), Transportation Code, to add "agreement" to the list of methods by which TTC is permitted to acquire any right or property interest to implement this chapter.

SECTION 5. Amends Subtitle H, Title 6, Transportation Code, by adding Chapter 398, as

follows:

CHAPTER 398. REGULATION OF OUTDOOR ADVERTISING GENERALLY BY  
GOVERNMENTAL ENTITIES

Sec. 398.001. DEFINITION. Defines “outdoor advertising.”

Sec. 398.002. PROHIBITION OF OUTDOOR ADVERTISING. Prohibits a governmental entity from prohibiting new outdoor advertising outside the jurisdiction or extraterritorial jurisdiction of a municipality.

Sec. 398.003. INTERFERENCE WITH MAINTENANCE OF OUTDOOR ADVERTISING. (a) Requires the entity, if TxDOT, a county, municipality, or other governmental entity, or a quasi-governmental entity prevents the maintenance of existing outdoor advertising or requires that the maintenance of existing outdoor advertising be discontinued, to pay just compensation as if it had made an acquisition by eminent domain.

(b) Provides that for purposes of this chapter, just compensation includes damages to remaining property, contiguous and noncontiguous, included in the interest of the owner of the outdoor advertising, that together with the property actually acquired by eminent domain constituted an economic unit.

Sec. 398.004. ACQUISITION OF PROPERTY THROUGH VOLUNTARY TRANSACTION. Authorizes a governmental entity that acquires property by gift, purchase, agreement, or exchange to require that lawfully erected outdoor advertising located on the property be altered or removed from the property without the payment of just compensation.

Sec. 398.005. RELOCATION BECAUSE OF HIGHWAY CONSTRUCTION. (a) Provides that if any outdoor advertising use, structure, or permit may not be continued because of widening, construction, or reconstruction of a highway, the owner of the outdoor advertising is entitled to relocate the use, structure, or permit to certain locations.

(b) Requires relocation under this section to be in accordance with applicable spacing requirements under this subtitle and to be to a location where outdoor advertising is permitted under Section 391.031.

(c) Requires the county or municipality in which the use or structure is located, if necessary, to provide for the relocation by a special exception to any applicable zoning ordinance.

(d) Authorizes the relocated structure to meet certain conditions.

(e) Requires any governmental entity or quasi-governmental entity that acquires outdoor advertising by eminent domain or causes the need for the outdoor advertising to be relocated under this section to pay the costs related to the acquisition or relocation.

(f) Requires the governmental entity, if a governmental entity by regulation prohibits the relocation of outdoor advertising as provided under this section, to pay just compensation as provided in Section 398.003.

Sec. 398.006. OBSTRUCTION OF VIEW AND READABILITY. (a) Authorizes the owner of the sign, if the view and readability of outdoor advertising is obstructed due to a noise abatement or safety measure, a grade change, construction, vegetation, an aesthetic improvement made by an agency of this state, a directional sign, or widening along a highway, to perform certain tasks.

(b) Requires a county or municipality in which the outdoor advertising is located, if necessary, to provide for the height adjustment or relocation by a special exception to any applicable zoning ordinance.

(c) Authorizes the adjusted or relocated outdoor advertising, notwithstanding any height requirements established under this subtitle, to be erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway and requires it to be the same size as the previous sign.

Sec. 398.007. NOTICE OF AMENDED AND PROPOSED RULES. (a) Requires a governmental entity to give written notice within a reasonable time to all outdoor advertising license and permit holders within its jurisdiction of any change or proposed change to the outdoor or off-premise advertising provisions of its zoning provisions, codes, or ordinances. Requires the notice to be given not later than 60 days before the effective date of the change.

(b) Requires a governmental entity to give written notice to all property owners along any highway or portion of a highway before adopting a prohibition of new outdoor advertising affecting that highway or portion of highway. Requires the notice to be given not later than 60 days before the effective date of the change.

Sec. 398.008. EFFECT ON CERTAIN PLANS FOR COMPENSATION. Provides that this chapter does not affect a municipal amortization plan to compensate a sign owner authorized by Section 6, Article 1, Chapter 221, Acts of the 68th Legislature, Regular Session, 1985.

SECTION 6. Effective date: September 1, 2003.