

BILL ANALYSIS

Senate Research Center
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S.B. 1375
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Transportation & Homeland Security
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, outdoor advertising ordinances differ between municipalities. Certain municipalities have outdoor advertising ordinances that allow owners of outdoor advertising to relocate advertising in the event of a road widening or a construction project by a governmental entity, while others do not allow for any relocation.

As proposed, S.B. 1375 makes municipal outdoor advertising 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 the heading of Section 391.033, Transportation Code, to read as follows:

Sec. 391.033. ACQUISITION OF OUTDOOR ADVERTISING.

SECTION 2. Amends Section 391.033, Transportation Code, by amending Subsection (a) and adding Subsections (c), (d), (e), and (f), as follows:

(a) Authorizes the Texas Transportation Commission (TTC) to acquire by gift, purchase, agreement, exchange, or eminent domain, rather than to purchase or acquire by eminent domain, outdoor advertising that is lawfully in existence on a highway in the interstate or primary system.

(c) Requires a governmental entity to pay just compensation as if it had made acquisition by eminent domain if a county, municipality, or other governmental entity other than the Texas Department of Transportation (TxDOT), a public utility, or a quasi-governmental entity prevents the maintenance of existing outdoor advertising or requires that the maintenance of existing outdoor advertising be discontinued.

(d) Requires a governmental entity to pay just compensation as if it had made acquisition by eminent domain if it, or another entity with eminent domain authority requires the alteration or removal of a lawfully erected sign that is located on property acquired by the entity through a voluntary transaction.

(e) Provides the requirements for consideration of just compensation.

(f) Prohibits TTC, except as provided by this chapter, from requiring the removal of outdoor advertising or that maintenance of outdoor advertising be discontinued unless at the time of removal or discontinuance there are certain funds available.

SECTION 3. Amends Subchapter B, Chapter 391, Transportation Code, by adding Section 391.0331, as follows:

Sec. 391.0331. 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 has certain relocation and maintenance entitlements.

(b) Requires relocation under this section to be to a location where outdoor advertising is permitted under Section 391.031 or TxDOT rules.

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

(d) Sets forth certain provisions for the relocated use or structure.

(e) Requires any governmental entity, quasi-governmental entity, or public utility 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 a governmental entity to pay just compensation as provided in Section 391.033 if that entity prohibits the relocation of outdoor advertising as provided under this section.

SECTION 4. Amends Section 391.034, Transportation Code, by adding Subsection (d), to authorize 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 5. Amends Subchapter B, Chapter 391, Transportation Code, by adding Section 391.038, as follows:

Sec. 391.038. OBSTRUCTION OF VIEW AND READABILITY. (a) Authorizes the owner of a sign to adjust the height of the sign or relocate it under certain parameters if the view and readability of outdoor advertising is obstructed due to certain circumstances by an agency of this state, a directional sign, or widening along a highway.

(b) Requires a county or municipality in which the outdoor advertising is located to provide, if necessary, for the height adjustment or relocation by 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 that it be the same size as the previous sign.

SECTION 6. Amends Subchapter C, Chapter 391, Transportation Code, by adding Section 391.0651, as follows:

Sec. 391.0651. NOTICE OF AMENDED AND PROPOSED RULES BY LOCAL GOVERNMENTS. Requires a county or municipality to give written notice 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.

SECTION 7. Amends Section 391.066, Transportation Code, by adding Subsection (d), to provide that judicial review of an administrative proceeding under this section is by trial de novo.

SECTION 8. Amends Section 391.181(a), Transportation Code, to add agreement as a means by which TTC may acquire any right or property interest.

SECTION 9. Effective date: September 1, 2005.