

## **BILL ANALYSIS**

Senate Research Center  
86R16630 BEE-F

C.S.S.B. 357  
By: Nichols  
Transportation  
3/6/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

During the 85th session, S.B. 312 enacted the recommendations of the Sunset Advisory Commission (Sunset) regarding the Texas Department of Transportation (TxDOT). However, during that process, an amendment was added allowing for signs that exceeded 42.5 feet in height that existed on or before March 1, 2017, to be grandfathered for litigation purposes.

At the February 22, 2018, Texas Transportation Commission meeting, Minute Order 115155 was adopted, which included the following statement from TxDOT: "The department does not believe that the legislature's validation of those signs (signs exceeding 42.5 feet in height that existed on or before March 1, 2017) eliminates the commission's authority to modify the maximum height provisions applicable to other commercial signs [i.e., those that did not exceed 42.5 feet on or before March 1, 2017]." This interpretation has allowed TxDOT to allow outdoor advertising signs to be an undefined height if the legislature does not take action by August 31, 2019.

S.B. 357 relates to the height of outdoor advertising signs regulated by TxDOT, making it clear that outdoor advertising signs may not be higher than 42.5 feet. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 357 amends current law relating to outdoor advertising signs regulated by the Texas Department of Transportation.

### **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 391.038, Transportation Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Decreases from 85 feet to 42-1/2 feet the maximum height of a sign measured in a certain manner, excluding a cutout that extends above the rectangular border of the sign. Deletes existing text referring to a description of the sign under Subsection (a).

(d) Provides that Subsection (b) does not apply to a sign that was higher than 42-1/2 feet on March 1, 2017, and that, under an agreement with the Texas Department of Transportation (TxDOT), is authorized to be higher than 42-1/2 feet.

SECTION 2. Repealer: Section 391.038(a) (relating to applicability of this section only to a sign existing on March 1, 2017, that was erected before that date), Transportation Code.

Repealer: Section 391.038(c) (relating to the authorization of a person to rebuild a sign described by Subsection (a) without obtaining a permit from TxDOT if the sign is rebuilt on the same location), Transportation Code.

SECTION 3. Provides that the changes in law made by this Act apply to a sign existing before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2019.