

BILL ANALYSIS

Senate Research Center
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S.B. 1085
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Intergovernmental Relations
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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. As proposed, 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 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), 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) Requires the entity, if the Texas Department of Transportation (TxDOT), a county, municipality, or other governmental entity, 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, to pay just compensation as if it had made an acquisition by eminent domain.

(d) 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.

(e) 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 certain factors are met.

SECTION 3. Amends Chapter 391B, 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

is entitled to relocate the use, structure, or permit to another location in certain areas.

(b) Requires relocation under this section 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 use or structure to be:

(1) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated;

(2) the same size and at least the same height as the previous use or structure, but not exceeding any size and height rule established under this subtitle; and

(3) relocated to a location with a comparable vehicular traffic count.

(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 the governmental entity, if a governmental entity prohibits the relocation of outdoor advertising as provided under this section, to pay just compensation as provided in Section 391.033.

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 Chapter 391B, Transportation Code, by adding Section 391.038, as follows:

Sec. 391.038. 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, 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.

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

Sec. 391.0651. NOTICE OF AMENDED AND PROPOSED RULES. (a) 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.

(b) Requires any governmental entity 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 authorize TTC to acquire by agreement any right or property interest that it considers necessary or convenient to implement this chapter.

SECTION 9. Effective date: September 1, 2003.