

By: Staples

S.B. No. 1375

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of outdoor advertising.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.0331 to read as follows:

Sec. 391.0331. RELOCATION BECAUSE OF HIGHWAY CONSTRUCTION.

(a) 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:

(1) relocate the use, structure, or permit to another location:

(A) on the same property;

(B) on adjacent property;

(C) on the same highway not more than one mile from the previous location; or

(D) if the outdoor advertising is within a municipality or the extraterritorial jurisdiction of a municipality, within that municipality or its extraterritorial jurisdiction; and

(2) maintain the existing outdoor advertising until the 60th day before the date the widening, construction, or reconstruction of the highway is set to begin.

(b) Relocation under this section shall be to a location where outdoor advertising is permitted under Section 391.031 or

1 other state law, commercial and industrial location requirements,
2 or department rules.

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

6 (d) Subject to department rule, the relocated use or
7 structure may be:

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

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

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

16 (e) If a governmental entity prohibits the relocation of
17 outdoor advertising as provided under this section, the
18 governmental entity shall pay just compensation as if it had made an
19 acquisition by eminent domain under Section 391.033.

20 SECTION 2. Section 391.034, Transportation Code, is amended
21 by adding Subsection (d) to read as follows:

22 (d) The department may remove outdoor advertising that is
23 erected or maintained in violation of this chapter without payment
24 of compensation to the owner or lessee.

25 SECTION 3. This Act takes effect September 1, 2005.