

BILL ANALYSIS

H.B. 1521
By: Kolkhorst
Transportation
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, certain cities restrict or prohibit the construction of billboards that are visible from certain public highways. However, municipal restrictions do not apply in rural or unincorporated areas. Current law bans new billboards on certain section of highways in some unincorporated areas.

HB 1521 amends the Texas Transportation Code to add highways in Austin County to the current list of roads on which it is forbidden to erect an off-premise sign adjacent to and visible from the road.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends §391.252(a), Transportation Code to include a prohibition for a person from erecting an off-premise sign that are adjacent to and visible from the portions of State Highway 159, FM 331, FM 529, FM 1094, and FM 2502 located in Austin County.

Effective date of September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

EXPLANATION OF AMENDMENTS

The amendment would require notification of landowners owning real property along a segment of public road affected by the bill in order for the bill to become effective. The notice must be published in a newspaper of general circulation and mailed, by certified mail, to each affected landowner by the county clerk of the county or counties in which a segment of public road affected by the bill is located. The notice must specify that the landowner's future right to lease the landowner's property for the purpose of erecting an off-premise sign will be terminated, unless the landowner notifies the Texas Department of Transportation (TxDOT) that the landowner wants to exclude the landowner's property from application of the bill. The bill would become effective only after the appropriate county clerk or clerks have notified TxDOT that all affected landowners have been notified. In notifying TxDOT, the county clerk must provide a publisher's affidavit proving publication of the notice in the newspaper and an affidavit certifying the date the notice was mailed to landowners, along with a copy of the notice and a certified list of the landowners to whom the notice was mailed. An affected landowner can exclude the landowner's property from application of the bill by sending a written notice to TxDOT by certified mail within one year of the date that TxDOT receives notification that notices were mailed to landowners. The landowner's exclusion becomes effective when the landowner's notice is received by TxDOT.