

## **BILL ANALYSIS**

Senate Research Center  
80R21335 ACP-D

C.S.H.B. 3441  
By: Phillips (Estes)  
Transportation & Homeland Security  
5/18/2007  
Committee Report (Substituted)

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

Current law authorizes the placing of tourist-oriented directional signs on a noncontrolled-access highway outside a town with a population of 5,000 or more. This regulation is intended to mirror current federal regulations. However, it is anticipated that the federal regulations may be expanded. Statutory changes that directly tie state requirements regarding the placement of those signs to federal regulation may provide for future adaptation to federal changes in such regulation without further state legislation.

C.S.H.B. 3441 redefines "eligible highway" in order to authorize the Texas Transportation Commission to adopt rules regarding state requirements for sign placement to mirror federal requirements.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 2 (Section 391.092, Transportation Code) and SECTION 3 (Section 391.0395, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 391.099(2), (9), and (12), Transportation Code, to redefine "eligible highway," "major shopping area guide sign," and "specific information logo sign."

SECTION 2. Amends Section 391.092, Transportation Code, by adding Subsection (d) and (e), as follows:

(d) Requires the Texas Transportation Commission (commission) to adopt rules, in accordance with applicable federal law, regulations, and guidelines, for determining eligible highways along which specific information logo signs, major shopping area guide signs, and tourist-oriented directional signs may be located. Authorizes the commission to establish different highway eligibility criteria for each type of sign, if permitted by federal law, regulations, or guidelines.

(e) Defines "tourist-oriented directional signs."

SECTION 3. Amends Sections 391.0935(a), (b), (d), and (f), Transportation Code, as follows:

(a) Requires the commission to establish a program that allows the erection and maintenance of major shopping area guide signs at appropriate locations along eligible highways, rather than urban highways, unless the commission determines there is a conflict with federal law.

(b) Requires the commission by rule to establish criteria for determining if a geographic area contains a sufficient concentration of retail establishments to be considered a major shopping area. Entitles a major shopping area to have its name displayed on a major shopping area guide sign if it meets the criteria established by the commission. Makes conforming changes.

(d) and (f) Makes conforming changes.

SECTION 4. Repealer: Sections 391.001(3) (relating to the definition of eligible urban highway) and (8) (relating to the definition of major shopping area) and 391.099(a)(2) (relating to the definition of eligible urban highway), Transportation Code.

SECTION 5. Effective date: upon passage or September 1, 2007.