

BILL ANALYSIS

C.S.H.B. 3710
By: Krusee
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

CSHB 3710 provides the Texas Department of Transportation (department) the ability to improve the conveyance of vital information to the traveling public while maximizing the use of its highway assets. Information such as weather updates and terrorist attacks, as well as Amber Alerts can be instantaneously transmitted to the public. The bill will allow the department to contract with private outdoor media providers to deploy outdoor media along state toll roads and the Trans-Texas Corridor that will assist the department in informing the traveling public about emergency situations affecting the travelers. Through the use of state right of way, the department can realize stable, long-term revenue streams from lease income derived from the advertising placed on the structures when they are not needed for the dissemination of emergency information.

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

SECTION 1. Amends Section 223.201, Transportation Code as follows:

Sec. 223.201. (a-1) Authorizes the department to enter into a comprehensive development agreement for any use authorized by §228.053(a) on a toll project or system or the Trans-Texas Corridor.

SECTION 2. Amends Section 228.053, Transportation Code as follows:

Sec. 228.053. (a) Includes outdoor media as one of the uses for which the department may lease a toll project or system and expands the department's ability to secure revenue by authorizing the lease of an entire toll project or toll system to the extent allowable by federal law.

SECTION 3. Amends Chapter 392, Transportation Code by adding Subchapter C as follows:

Sec. 392.101. Contains definitions for use by the department when awarding outdoor media contracts. Defines "advertising provider" as a private entity who receives authority from the department to place outdoor media along toll roads or the Trans-Texas Corridor. Defines "outdoor media" as emergency information helpful to the traveling public and advertising pertaining to businesses that are not selling products at the same location as the sign. The emergency information displayed must be designated as such by TxDOT or DPS. The department must also ensure that the emergency information must be displayed for a reasonable amount of time.

Sec. 392.102. To the extent allowable by federal law, this section authorizes an outdoor advertising provider to use state right of way if it has received authority from the department to erect media along a toll road or the Trans Texas Corridor. Maintains state regulatory control of these roadways.

SECTION 4. Amends Section 394.002, Transportation Code as follows:

Sec. 394.002. (c) Exempts outdoor media placed on a toll project or Trans-Texas Corridor that has been authorized by the department from the requirements of Chapter 394 - Regulation of Outdoor Signs on Rural Roads.

SECTION 5. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute conforms the filed version as a Legislative Council draft. It also adds language in Section 2 to make the legislation permissible to the extent that it is allowable by federal law. In Section 3 the substitute adds language to state that if the outdoor media uses a digital display, that it must have the capacity to display emergency information helpful to the driving public that is designated as such by TxDOT or the Texas Department of Public Safety (DPS). This Section also adds language that ensures that TxDOT must display the emergency information for a reasonable amount of time. Section 3 also adds language to make the legislation permissible to the extent that it is allowable by federal law.