

BILL ANALYSIS

Senate Research Center

C.S.S.B. 111
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many Texas cities have ordinances prohibiting the erection of new billboards. When a highway is expanded to take in land occupied by a billboard, the billboard owner may attempt to relocate the billboard elsewhere, but instead of allowing the billboard to be relocated, the city will condemn the existing billboard and prohibit erection of a new one. A city has no incentive to consider relocation because the state, not the city, must pay a significant amount to compensate the owner for the condemned billboard.

C.S.S.B. 111 requires cities to pay the cost of condemnation if they choose to condemn a billboard instead of permitting relocation. If the city allows the billboard to relocate, then the state will continue to pay that cost. The bill also allows the sign owner to raise or lower a sign, if obstructed, subject to the Texas Department of Transportation's safety compliance measures, at the cost of the sign owner.

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 Subchapter B, Chapter 391, Transportation Code, by adding Section 391.0335, as follows:

Sec. 391.0335. COSTS FOR REMOVAL OF CERTAIN OUTDOOR ADVERTISING WITHIN A MUNICIPALITY. (a) Provides that this section applies only to outdoor advertising that is within a municipality or the extraterritorial jurisdiction of a municipality.

(b) Provides that if outdoor advertising is required to be removed because of the widening, construction, or reconstruction of a part of the state highway system and if relocation of the outdoor advertising would be allowed under the rules of the Texas Transportation Commission (commission) but is prohibited by the charter or an ordinance or decision of a municipality, the liability of the Texas Department of Transportation (TxDOT) relating to the removal of the outdoor advertising is limited to the amount that TxDOT would have been required to pay if the outdoor advertising had been relocated in accordance with rules of the commission.

(c) Provides that a municipality that prohibits the relocation of outdoor advertising as described by Subsection (b) is liable for the difference between the amount of the just compensation required for the removal of the outdoor advertising and the amount for which TxDOT is liable under Subsection (b).

SECTION 2. Amends Subchapter B, Chapter 391, Transportation Code, by adding Section 391.0331, as follows:

Sec. 391.0331. OBSTRUCTION OF VISIBILITY. (a) Authorizes the owner of a sign, if the sign conforms to state regulations, to raise or lower the height of the sign to make the sign clearly visible from the main-traveled way if the visibility of the sign is obstructed

due to certain factors. Prohibits the height of the apex of the sign from exceeding 42.5 feet above the highest point of the obstruction.

(b) Requires all expenses and costs under this section to be borne by the sign owner.

(c) Requires that nothing in this section be construed to alter or affect the property rights of a party in eminent domain proceedings.

SECTION 3. Effective date: upon passage or September 1, 2007.