

By: Krusee

H.B. No. 3710

Substitute the following for H.B. No. 3710:

By: Harper-Brown

C.S.H.B. No. 3710

A BILL TO BE ENTITLED

AN ACT

relating to outdoor advertising on certain toll roads.

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

SECTION 1. Section 223.201, Transportation Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) The department may enter into a comprehensive development agreement with a person for the same purposes for which the department may enter into a contract under Section 228.053(a).

(b) In this subchapter, "comprehensive development agreement" means an agreement that, at a minimum, provides for the design and construction, rehabilitation, expansion, or improvement of a project described in Subsection (a) and may also provide for the financing, acquisition, maintenance, or operation of a project described in Subsection (a) or (a-1).

SECTION 2. Section 228.053(a), Transportation Code, is amended to read as follows:

(a) The department may, to the extent allowed by federal law:

(1) impose tolls for the use of each toll project or system and the different segments or parts of each project or system; and

(2) notwithstanding anything in Chapter 202 to the contrary, contract with a person for the use of all or part of a toll

1 project or system or lease all or part of a toll project or system
2 for a gas station, garage, store, hotel, restaurant, railroad
3 tracks, utilities, [~~and~~] telecommunications facilities and
4 equipment, and outdoor media as defined by Section 392.101 and set
5 the terms for the use or lease.

6 SECTION 3. Chapter 392, Transportation Code, is amended by
7 adding Subchapter C to read as follows:

8 SUBCHAPTER C. OUTDOOR MEDIA ON STATE HIGHWAY TOLL PROJECTS

9 Sec. 392.101. DEFINITIONS. In this subchapter:

10 (1) "Advertising provider" means a private entity that
11 has received authority from the department, through a lease or
12 other agreement, to place outdoor media within the boundaries of a
13 toll project of the state highway system, including a turnpike on
14 the Trans-Texas Corridor.

15 (2) "Outdoor media" means a sign displaying:

16 (A) emergency information helpful to the
17 traveling public; or

18 (B) advertising that pertains to a business,
19 person, organization, activity, event, place, service, or product
20 not principally located or primarily manufactured or sold on the
21 premises on which the sign is located.

22 Sec. 392.102. OUTDOOR MEDIA. (a) To the extent allowed by
23 federal law, outdoor media erected by an advertising provider
24 pursuant to a use or lease under Section 228.053 for a commercial
25 advertising purpose:

26 (1) may be located within state highway system
27 right-of-way;

1 (2) is under the exclusive regulatory control of the
2 state; and

3 (3) if the outdoor media uses a digital display, must
4 have the capacity to timely display, in place of advertising,
5 emergency information designated by the department or the
6 Department of Public Safety as helpful to the traveling public.

7 (b) The department must ensure that emergency information
8 displayed on outdoor media is displayed for a reasonable period as
9 recommended by the department or agency sponsoring the information.

10 SECTION 4. Section 394.002, Transportation Code, is amended
11 by amending Subsection (a) and adding Subsection (c) to read as
12 follows:

13 (a) Except as provided by Subsection (c), this ~~[This]~~
14 chapter applies only to a sign that is:

15 (1) outdoors; and

16 (2) visible from the main-traveled way of a rural
17 road.

18 (c) This chapter does not apply to outdoor media located on
19 a state highway toll project, including a turnpike on the
20 Trans-Texas Corridor, if the media meets the requirements of
21 Subchapter C, Chapter 392.

22 SECTION 5. This Act takes effect September 1, 2007.