

By: Krusee

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:

(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 project or system or lease all or part of a toll project or system

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

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

7 SUBCHAPTER C. OUTDOOR MEDIA ON STATE HIGHWAY TOLL PROJECTS

8 Sec. 392.101. DEFINITIONS. In this subchapter:

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

14 (2) "Outdoor media" means a sign displaying
15 advertising that pertains to a business, person, organization,
16 activity, event, place, service, or product not principally located
17 or primarily manufactured or sold on the premises on which the sign
18 is located.

19 Sec. 392.102. OUTDOOR MEDIA. Notwithstanding any other
20 law, outdoor media erected by an advertising provider pursuant to a
21 use or lease under Section 228.053 for a commercial advertising
22 purpose:

23 (1) may be located within state highway system
24 right-of-way; and

25 (2) is under the exclusive regulatory control of the
26 state.

27 SECTION 4. Section 394.002, Transportation Code, is amended

1 by amending Subsection (a) and adding Subsection (c) to read as
2 follows:

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

5 (1) outdoors; and

6 (2) visible from the main-traveled way of a rural
7 road.

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

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