

BILL ANALYSIS

C.S.S.B. 357
By: Nichols
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the effect of recently enacted legislation on the regulation of outdoor advertising signs along roadways. It has been suggested that the ambiguity resulting from the legislation allows these signs to be at an undefined height. C.S.S.B. 357 seeks to address this issue by revising provisions establishing height limitations for outdoor advertising signs regulated by the Texas Department of Transportation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 357 amends the Transportation Code to limit the height of a commercial sign to 60 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

- from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or
- from the base of the sign structure if the main-traveled way is below grade.

The bill exempts from this limitation a sign regulated by a municipality certified for local control under an agreement with the Texas Department of Transportation (TxDOT) as provided by TxDOT rule. The bill maintains height limitations for a commercial sign existing on March 1, 2017, that was erected before that date.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 357 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute changes the revised maximum commercial sign height from 42-1/2 feet to 60 feet and retains the statutory 85-foot height limit on such a sign that existed on March 1, 2017.

The substitute includes an exemption from the height limitation for a sign regulated by a municipality certified for local control under an agreement with TxDOT as provided by TxDOT rule. The substitute does not include an exemption from such limitation for a sign that was higher than 42-1/2 feet on March 1, 2017, and is authorized to be higher than 42-1/2 feet under an agreement with TxDOT.

The substitute does not repeal the authorization for a person to rebuild a sign existing on March 1, 2017, that was erected before that date without obtaining a new or amended permit from TxDOT under certain conditions.