

BILL ANALYSIS

Senate Research Center
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S.B. 357
By: Nichols
Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 85th session, S.B. 312 enacted the recommendations of the Sunset Advisory Commission (Sunset) regarding the Texas Department of Transportation (TxDOT). However, during that process, an amendment was added allowing for signs that exceeded 42.5 feet in height that existed on or before March 1, 2017, to be grandfathered for litigation purposes.

At the February 22, 2018, Texas Transportation Commission meeting, Minute Order 115155 was adopted, which included the following statement from TxDOT: "The department does not believe that the legislature's validation of those signs (signs exceeding 42.5 feet in height that existed on or before March 1, 2017) eliminates the commission's authority to modify the maximum height provisions applicable to other commercial signs [i.e., those that did not exceed 42.5 feet on or before March 1, 2017]." This interpretation has allowed TxDOT to allow outdoor advertising signs to be an undefined height if the legislature does not take action by August 31, 2019.

S.B. 357 relates to the height of outdoor advertising signs regulated by TxDOT, making it clear that outdoor advertising signs may not be higher than 42.5 feet.

As proposed, S.B. 357 amends current law relating to the height of outdoor advertising signs regulated by the Texas Department of Transportation.

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 Sections 391.038(b) and (c), Transportation Code, as follows:

(b) Decreases from 85 feet to 42-1/2 feet the maximum height of a sign, excluding a cutout that extends above the rectangular border of the sign. Deletes existing text referring to a description of the sign under Subsection (a).

(c) Prohibits a person from rebuilding a sign at a height that exceeds 42-1/2 feet. Deletes existing text providing that a person may rebuild a sign described by Subsection (a) (relating to providing that this section applies only to a sign existing on March 1, 2017, that was erected before that date) without obtaining a new or amended permit from the Texas Department of Transportation, provided that the sign is rebuilt at the same location where the sign existed on March 1, 2017, and at a height that does not exceed the height of the sign on that date.

SECTION 2. Repealer: Section 391.038(a) (relating to a sign existing on March 1, 2017, that was erected before that date), Transportation Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.