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March 28, 2023

The Honorable Terry Canales
House Transportation Committee
P.O. Box 2910
Capitol Station
Austin, Texas 78768

Dear Chairman Canales and Members of the Committee:

On behalf of the City of Houston, I write in opposition to House Bill 2806 and ask that this written testimony be included in the formal legislative record for H.B. 2806. The City and I thank the Committee and Chairman for the opportunity to comment regarding this proposed legislation.

My name is Andy Icken. I am the City of Houston's Chief Development Officer. I testify with the authority to speak on the City of Houston's behalf as part of my assigned duties and responsibilities.

The City of Houston opposes H.B. 2806 for the following reasons:

I. H.B. 2806 WOULD ELIMINATE THE CITY'S RIGHT TO SET LOCAL CONTENT-NEUTRAL REGULATIONS SUCH AS SPACING, DISTANCE, AND HEIGHT REQUIREMENTS AND WILL HINDER THE CITY'S ABILITY TO LIMIT THE PROLIFERATION OF OFF-PREMISE SIGNS.

H.B. 2806 allows for the relocation or purchase of any off-premise sign affected by highway widening, construction, or other related public infrastructure or improvement project. It allows for the sign to be moved to another location on the same property, adjacent property, on the same highway not more than one mile from the previous location, or, if the sign is within a municipality or its extraterritorial jurisdiction, anywhere within that municipality or its ETJ. The only additional requirement is that it must be to a location permitted under Section 391.031 of the Transportation Code. H.B. 2806 goes on to require municipalities to provide for the relocation by

a special exception to any applicable zoning ordinance. This means that the City's longstanding sign code, originally passed in largely its current form in 1980, would be entirely circumvented.

The City understands the need to codify relocation processes for signs affected by highway construction and other public infrastructure and improvement projects. That is why the City's sign code contains a section that does so. Section 4617 of the City's sign code allows for the relocation or alteration of off-premise signs located along the federal primary system due to publicly funded transportation projects undertaken by the State of Texas or its political subdivisions. That covers the majority of off-premise signs located in the City and its ETJ as the City currently has 1,392 off-premise signs in the City and its ETJ, 1,119 of which are located along the federal primary system. Somewhat similar to H.B. 2806, the City's sign code allows for relocation under these circumstances, in order of priority, to (1) the remainder of the same tract of parcel of land the off-premise sign is already located on, (2) property abutting the highway at the original sign location, (3) land owned by the same person or persons as the tract from which it was relocated, and (4) any location along the federal primary system and subject to control under Subchapter B of Chapter 31 of the Texas Transportation Code.

The key difference compared to H.B. 2806 is that any sign relocated pursuant to the sign code, but not placed within 1500 feet of the original sign location, must 1) not be within 800 feet of two or more commercial or industrial activities and 2) not be closer than 1500 feet from another off-premise sign on the same side of the highway. This relocation provision has been a part of the City's sign code since 1989 and strikes a balance between the interests of the sign owners and protecting residents against visual blight and reduced neighborhood property values.

As you may be aware, TxDOT is set to begin a massive highway project focused on I-45, where a large number of off-premise signs are currently located. If H.B. 2806 were to pass, those signs could be relocated anywhere within the City, regardless of the City's spacing requirements, and would only have to meet the reduced spacing requirements of 391.031 of the Texas Transportation Code.

II. H.B. 2806'S LANGUAGE CONCERNING THE ABILITY TO ALTER OR RELOCATE AN OFF-PREMISE SIGN DUE TO OBSTRUCTION OF VIEW AND READABILITY IS VAGUE AND WOULD ALLOW CIRCUMVENTION OF THE CITY'S HEIGHT REQUIREMENTS.

H.B. 2806 also allows for signs to be altered or relocated if the sign's view and readability are obstructed due to a noise abatement or safety measure, a grade change, vegetation, construction, an aesthetic improvement made by an agency of the state, a directional sign, or widening along a highway. However, the bill does not specify how obstructed a sign's view needs to be to meet this threshold. If 1% of the sign is not viewable from the roadway due to vegetation, would the sign owner be allowed to alter the height or relocate the sign to make it "clearly visible" as stated in H.B. 2806? Likely not, but the language is vague and does not offer a solid bright line threshold.

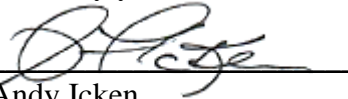
Additionally, if obstructed, H.B. 2806 allows a sign to be altered by increasing the height, regardless of a local municipality's height requirements. The City's sign code has a maximum height for all ground signs of 42.5 feet. This bill would allow signs to circumvent that height

requirement, ending the uniformity and applicability of the sign code. Additionally, signs relocated under this section would be subject to the same relocation provisions discussed above.

If H.B. 2806 passes, the end result would be some off-premise signs having greater rights and laxer regulations than other off-premise signs in the municipality, based entirely on whether H.B. 2806 removes that particular sign from the relevant local sign code provisions or not.

For these reasons, the City of Houston respectfully opposes H.B. 2806.

Sincerely yours,

A handwritten signature in black ink, appearing to read "A. Icken", is written over a solid horizontal line.

Andy Icken
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