

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2255 - SB 2188

March 1, 2020

SUMMARY OF BILL: Defines the term "off-premises device" for purposes of the Billboard Regulation and Control Act of 1972, the Tennessee Scenic Highway System Act, and Tennessee Parkway System Act to be in accordance with federal law.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Passage of this legislation will prevent a penalty against federal funding received from the Federal Highway Administration estimated to exceed \$93,100,000.

Assumptions:

- Pursuant to 23 U.S.C. § 131(b), federal-aid highway funds apportioned to any state which the Secretary of Transportation determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the state legislature, whichever is later, to any state which the Secretary of Transportation determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than 660 feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such state, until such time as such state shall provide for such effective control.
- Due to the 6th Circuit U.S. Court of Appeals *Thomas v. Bright* decision ruling the Tennessee Billboard Law unconstitutional, TDOT has indefinitely suspended regulatory enforcement of the Outdoor Advertising Control Program.
- This legislation further makes similar revisions to the Tennessee Scenic Highway System Act and Tennessee Parkway System Act to address the same constitutional issue.
- Passage of this proposed legislation will allow TDOT to resume enforcement of the Billboard Act and provide for effective control of outdoor advertising, as required under 23 U.S.C. Section 131, and therefore avoid penalties from the Federal Highway Administration of 10 percent of the annual allocation of Federal Highway Funds under 23 U.S.C. Section 104, which is currently approximately \$93,100,000.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jmg