

# HIGHWAY BEAUTIFICATION ACT (HBA)

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Proposed Amendments to the Regulation of  
Signs Along Interstate and Primary Highways





**Summary of Comments on Proposed Rules for TAC, Ch. 21**  
**Signs Along Interstate and Primary Highways**  
**30-Day Public Comment Period Ended 10/16/2017**

Updated Feb 22, 2018

Written Responses Received *	Issue: Maximum Height for Billboards		Comments on SB 2006
	Supporting Greater than 42.5 ft.**	Supporting Existing 42.5 ft. Height	
4,747	2,010	2,694	7

\* Breakout of greater than 42.5 ft. height responses:

\*\* 2009 responses request unlimited height (677 of these requests also support 85 ft. height maximum)

\*\* 1 response supports 70 ft. height limit

Spoken Comments Made at Hearing	Issue: Maximum Height for Billboards		Comments on SB 2006	Other Comments
	Supporting No Height Limitation	Supporting Existing 42.5 ft. Height		
18	8	6	4	2

## FREQUENTLY ASKED QUESTIONS

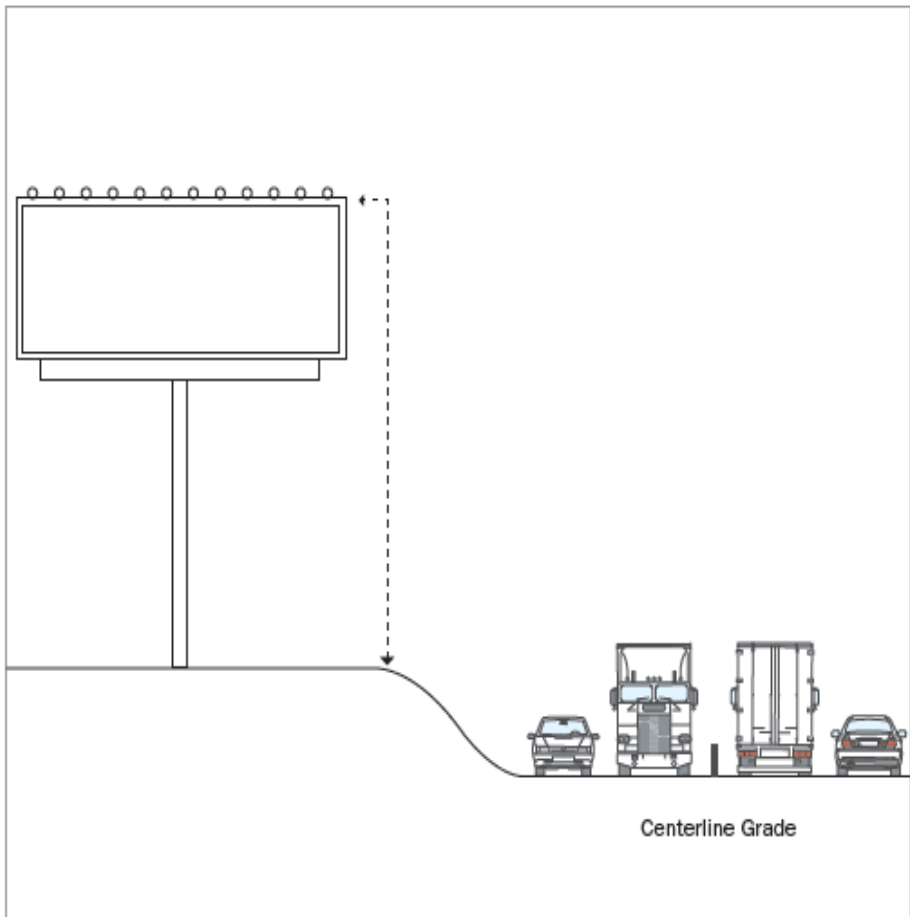
- Do the new rules address the issue of a height limit for commercial signs regulated by TxDOT?
- **Answer:** Yes, the new rules included language to address new Transportation Code §391.038. The new statute legalized the height of all signs as they existed on March 1, 2017, as long as they did not exceed 85 feet excluding cut outs. The height limit for new commercial signs erected after March 1, 2017 is 42.5 feet. However, the rules also include a provision that will raise the maximum height to 85 feet on September 3, 2019 if the legislature does not establish a maximum overall height of commercial signs before September 3, 2019.

## FREQUENTLY ASKED QUESTIONS

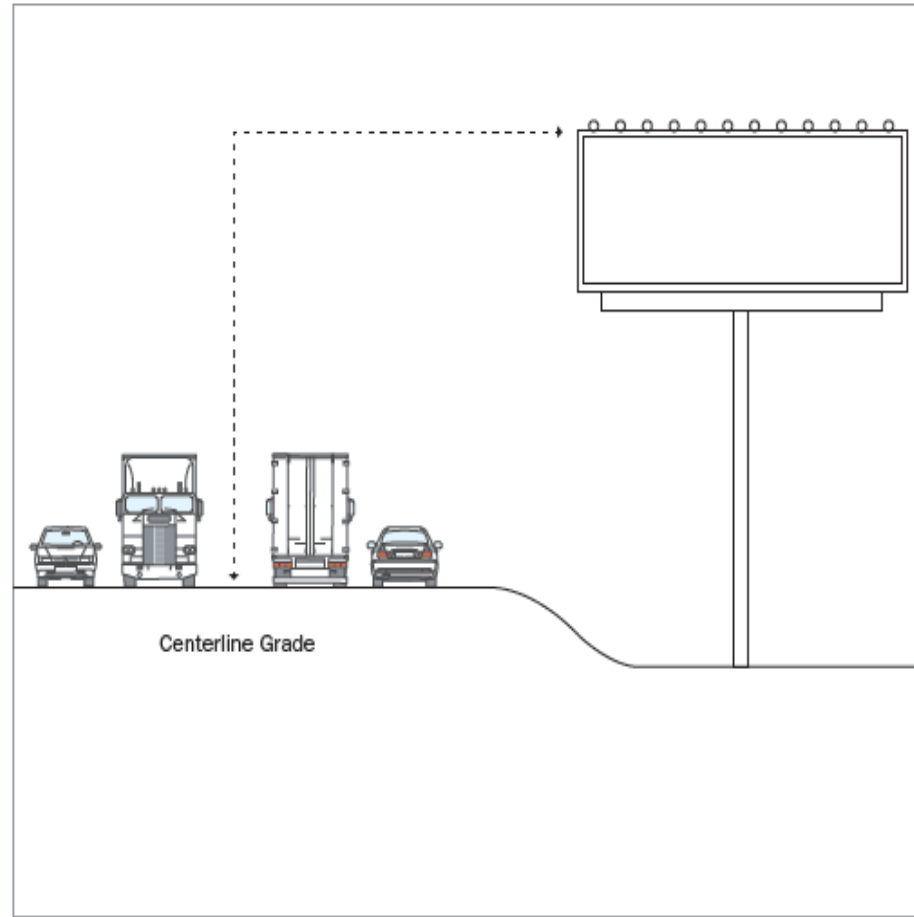
- Does the federal Highway Beautification Act have a height limit?
- **Answer:** No, the federal Highway Beautification Act does not set a height limit for outdoor advertising signs.
- If passed by the Commission, what is the height limit for new billboards?
- **Answer:** The maximum height will be 42.5 feet. If the legislature does not establish a maximum overall height of commercial signs before September 3, 2019 the height will increase to 85 feet on September 3, 2019 for signs outside of certified cities.

# CHANGES TO THE HEIGHT LIMIT

Old Rules for Height	New Rules Effective 3/1/2018
<b>State rule limits height to 42.5 feet unless located in a certified city.</b>	<p>42.5 feet height limit for new signs outside certified cities if the signs erected <u>after</u> 3/1/2017 (SB 312).</p> <p>If the legislature does not establish a maximum overall height limit before September 3, 2019 the 42.5 feet height limit for new signs outside of certified cities increases to 85 feet.</p> <p>Signs erected prior to 3/1/2017 are allowed to stay at their existing height if not higher than 85 feet excluding cut outs. (Transportation Code §391.038.)</p>
<b>Height limit does not include cut outs, renewable energy devices such as solar panels or wind turbines.</b>	No change
<b>Signs displaced by a transportation project have a height limit of 42.5 feet</b>	No change until September 3, 2019 when the height limit will increase to 85 feet if the legislature does not establish a maximum overall height limit.



Above Road Level



Below Road Level