OUTDOOR ADVERTISING

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2017 Educational Series
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The Texas Department of Transportation (TxDOT) regulates the display of outdoor advertising signs along highways regulated by the federal Highway Beautification Act (HBA) and all other highways and roads located outside of the corporate limits of cities, towns and villages in Texas under the State Rural Roads Act (RRA). The following is an overview of the laws governing outdoor advertising signs (OAS), such as billboards, and the role of TxDOT and municipalities in billboard regulating, licensing and permitting.

HIGHWAY BEAUTIFICATION ACT

TxDOT is responsible for administering and enforcing the HBA and the RRA. The Texas Legislature passed HBA in 1972 to comply with the Federal Highway Beautification Act of 1965, which requires that each state regulate OAS along interstate and primary highways. In the same year, TxDOT also entered into a federal-state agreement under which the state agreed to enforce the “effective control” of outdoor advertising. The consequence for failure of TxDOT to effectively control outdoor advertising is the loss of up to 10 percent of certain federal transportation funding.

The categories of funding that are put at risk by failure to maintain effective control of outdoor advertising are: National Highway System, Congestion Mitigation and Air Quality, Surface Transportation Program and Interstate Maintenance. In 2015, these categories totaled $3.038 billion. If imposed, a 10 percent penalty would exceed $303 million annually.

REGULATION OF BILLBOARDS

TxDOT’s regulation of outdoor advertising along interstate and primary highways applies to any OAS located within 660 feet of the highway right of way inside urban areas. Outside of urban areas regulation extends to include any OAS that is visible from the main traveled way of a highway. OAS within these distances is prohibited unless the location is in a defined commercial or industrial area.

In addition to regulation along interstate and primary highways the RRA ensures the regulation of OAS erected along all non-interstate or primary highways and roads on the state highway system that are outside of the jurisdiction of a municipality.

If a municipality has been certified by the state to regulate OAS, a state permit is not required for OAS within the city limits, but the applicant must hold a state outdoor advertising license. A city’s zoning ordinances and local regulations control where signs may be located. Local ordinances may be more or less restrictive than state regulations but may not violate either federal regulations or the federal-state agreement.
LICENSING AND PERMITTING

Before an entity may erect or maintain an OAS, that entity must obtain an outdoor advertising operator’s license that must be renewed annually. After a license is issued, the OAS owner may apply for a permit. A permit is only valid for the location indicated on the original application and only for the OAS described on that application. A permit is valid for one year and is required for each sign.

When the original highway beautification laws were first adopted, certain existing OAS were grandfathered in and allowed to remain in place as non-conforming OAS. OAS locations that were more recently permitted under the HBA may also become non-conforming due to a change in law, regulation or OAS conditions.

Under both federal and state laws and regulations relating to OAS, many restrictions apply to non-conforming OAS. Most of these restrictions are designed to require these OAS to remain in substantially the same condition that they were in when they became non-conforming. A grandfathered OAS cannot be replaced with a new billboard, and can only be maintained on a limited basis. If an OAS is not properly maintained under the non-conforming regulations and the permit for the OAS at such a non-conforming location is cancelled, the location is then permanently lost.

SCENIC BYWAYS

The National Scenic Byways Program, which is managed by the U.S. Department of Transportation’s Federal Highway Administration, was created in 1991 to facilitate conservation of intrinsic landscape qualities to stimulate local economic development through tourism and to regulate outdoor advertising.

The program requires a corridor management plan for each byway and offers various forms of technical assistance provided by the National Scenic Byways Organization. It also prohibits new outdoor advertising on designated scenic byways. A relatively small amount of federal funding is available for the program nationally.

While a scenic byways program offers the potential public benefits of landscape preservation and increased rural tourism, direct benefits to landowners are less clear. These owners must bear the costs of maintaining the property that would be directly affected by a corridor management plan. Landowners may also be negatively impacted by tourism. A state-level program has not been implemented in Texas.

Campaign Signs

State law specifically prohibits the placement of campaign signs on or within any public right of way. This includes placement on trees, telephone poles, traffic signs and other objects on the right of way. Signs in violation can be removed by TxDOT employees, a county sheriff or a constable, depending upon the jurisdiction.

Some additional guidelines:

- Signs must relate to a public election;
- Signs may only be placed on private property along highways with the owner’s permission;
- The sign face cannot exceed an area of 50 square feet;
- The sign cannot contain commercial endorsement; and
- The sign may be erected after the 91st day before the date of the election and must be removed before the 11th day after the election date.

A candidate considering placing a sign inside of incorporated city limits should check with the local government as the signs may be subject to local ordinances as well.
VALUES:

People
People are the Department’s most important customer, asset, and resource. The well-being, safety, and quality of life for Texans and the traveling public are of the utmost concern to the Department. We focus on relationship building, customer service, and partnerships.

Accountability
We accept responsibility for our actions and promote open communication and transparency at all times.

Trust
We strive to earn and maintain confidence through reliable and ethical decision-making.

Honesty
We conduct ourselves with the highest degree of integrity, respect, and truthfulness.

VISION:

A forward-thinking leader delivering mobility, enabling economic opportunity, and enhancing quality of life for all Texans.

MISSION:

Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

GOALS AND OBJECTIVES:

- Deliver the Right Projects – Implement effective planning and forecasting processes that deliver the right projects on-time and on-budget.
- Focus on the Customer – People are at the center of everything we do.
- Foster Stewardship – Ensure efficient use of state resources.
- Optimize System Performance – Develop and operate an integrated transportation system that provides reliable and accessible mobility, and enables economic growth.
- Preserve our Assets – Deliver preventive maintenance for TxDOT’s system and capital assets to protect our investments.
- Promote Safety – Champion a culture of safety.
- Value our Employees – Respect and care for the well-being and development of our employees.