

SUBJECT: Establishing height requirements for certain outdoor advertising signs

COMMITTEE: Transportation — committee substitute recommended

VOTE: 10 ayes — Canales, Landgraf, Bernal, Hefner, Krause, Leman, Martinez,  
Ortega, Raney, E. Thompson

2 nays — Y. Davis, Thierry

1 absent — Goldman

SENATE VOTE: On final passage, March 25 — 31-0

WITNESSES: *On House companion bill, HB 3368:*

For — Anne Culver, Scenic Texas; Windy Johnson, Texas Conference of Urban Counties; (*Registered, but did not testify:* Alexis Tatum, Travis County Commissioners Court; Monty Wynn, Texas Municipal League)

Against — Sherri Kendall, Aid to Victims of Domestic Abuse; Tim Anderson, Clear Channel Outdoor; Derek Potter, Coastal Signs; Lee Vela, Outdoor Advertising Association of Texas; Russ Horton and Richard Rothfelder, Reagan Outdoor; Tom Hudson, Subway Sandwiches; Beth Alberts, Texas Center for the Missing; George Kelemen, Texas Retailers Association; and six individuals; (*Registered, but did not testify:* Craig Jenkins, Acme Partnership; Michelle Costa, Clear Channel Outdoor; Allen Potter, Coastal Signs; Jennifer Walker, Homespun Kitchen and Bar; Ronald Kibler, Lamar Advertising; Erik Arrendondo, Derek Belzung, Mary Clarke, Miles Cunningham, Curtis Ford, Brent Harper, Rosie Miller, Thomas Vaught, Media Choice LLC; Curtis Cogburn, Outfront Media; Billy Reagan, Reagan Advertising; Andy Kahan, Texas EquuSearch, Parents of Murdered Children, Crime Stoppers of Houston; Will Adams, Texas Trial Lawyers Association; and 15 individuals)

On — James Bass, Texas Department of Transportation; (*Registered but did not testify:* Barbara Trigueros)

**BACKGROUND:** Transportation Code sec. 391.038 regulates the height of outdoor commercial signs that were erected prior to March 1, 2017. Such signs are not allowed to exceed 85 feet, excluding a cutout that extends above the border of the sign.

TAC ch. 21, subch. I, sec. 21.189 states that if the Legislature does not establish a maximum overall height of commercial signs before September 3, 2019, effective on that date a commercial sign may not be erected that exceeds an overall height of 85 feet.

**DIGEST:** CSSB 357 would limit the height of a commercial sign to 60 feet, excluding a cutout that extended above the border of the sign, measured:

- from the grade level of the centerline of the main-traveled way closest to the sign at a point perpendicular to the sign, not including a frontage road of a controlled access highway; or
- from the base of the sign if the main-traveled way was below grade.

This limitation would not apply to a sign regulated by a municipality certified for local control under an agreement with the Texas Department of Transportation (TxDOT) as provided by department rule.

Signs that existed on March 1, 2017, that were erected prior to that date would continue to be limited to 85 feet. A person could rebuild such a sign without obtaining a new or amended permit from TxDOT, provided that the sign was rebuilt at the same location and at a height that did not exceed the original height.

The bill would take effect September 1, 2019.

**SUPPORTERS SAY:** CSSB 357 would address costly and time-consuming legal issues surrounding height requirements established by the Texas Department of Transportation (TxDOT) for commercial billboards.

Current TxDOT regulations restrict the height of billboards to 42.5 feet,

but many billboards have been constructed past that limit. A large number of infractions has resulted in litigation and significant cost to TxDOT. CSSB 357 would help end this by grandfathering all billboards constructed prior to March 1, 2017, and by providing standards that reflect both the needs of those who rely on billboards for income and advertising and the need to keep Texas' highways scenic.

If the Legislature fails to establish a limit by September 3, 2019, TxDOT will raise the height limit to 85 feet. CSSB 357 would establish requirements that reflect the height of the majority of existing billboards while preventing the creation of billboards that were excessively tall.

**OPPONENTS  
SAY:**

CSSB 357 would impose restrictions on commercial billboards that should not be determined by the state. The operating company should be allowed to determine the height of a sign to ensure that the sign is visible.