

By: Wray

H.B. No. 3860

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of signs by the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 391.001, Transportation Code, is amended to read as follows:

(12) "Sign" means a structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

~~(12)~~ (13) "Specific information logo sign" means a rectangular sign imprinted with the words "GAS," "FOOD," "LODGING," "CAMPING," or "24 HOUR Rx," or with a combination of those words, and the specific brand names of commercial establishments offering those services.

~~(13)~~ (14) "Urban area" means an area defined by the commission in cooperation with local officials, subject to approval by the secretary of the United States Department of Transportation, that as a minimum includes an urban place as designated by the United States Bureau of the Census having a population of 5,000 or more and not located within an urbanized area.

~~(14)~~ (15) "Urbanized area" means an area defined by the commission in cooperation with local officials, subject to approval by the secretary of the United States Department of Transportation,

1 that as a minimum includes an urbanized area as defined by the  
2 United States Bureau of the Census or that part of a multistate  
3 urbanized area located in this state.

4 SECTION 2. Section 391.037, Transportation Code, is added  
5 to read as follows:

6 (a) Except as provided in subsection (d), a sign may not be  
7 higher than 65 feet excluding a cutout that extends above the  
8 rectangular border, measured from the grade level of the centerline  
9 of the main-traveled way closest to the sign, at a point  
10 perpendicular to the sign location.

11 (b) For purposes of this section, a frontage road of a  
12 controlled access highway or freeway is not considered the  
13 main-traveled way for purposes of this subsection.

14 (c) In the event that the main-traveled way that is  
15 perpendicular to the sign structure is below grade, sign height  
16 will be measured from the base of the sign structure.

17 (d) For a sign that is required to be removed as the result  
18 of a highway construction project, the sign owner may choose to  
19 relocate the sign to a new location, and the relocated sign may be  
20 constructed with the number of poles and type of materials as  
21 permitted for a newly constructed sign. A relocated sign may not  
22 exceed the lesser of:

23 (1) the height that achieves the same degree of  
24 visibility as the sign enjoyed at the prior location prior to the  
25 removal of the sign to accommodate the highway construction  
26 project; or

27 (2) 85 feet excluding a cutout that extends above the

1 rectangular border, measured from the grade level of the centerline  
2 of the main-traveled way closest to the sign, at a point  
3 perpendicular to the sign location.

4 (3) The number of sign faces and lighting, if any, of  
5 the relocated sign may exceed the number of faces or lighting, if  
6 any, of the existing sign, as long as the number of sign faces and  
7 lighting would have been permitted for a newly constructed sign.

8 SECTION 3. Not later than January 1, 2018, the Texas  
9 Transportation Commission shall adopt the rules to implement  
10 Sections 391.001 and 391.037, Transportation Code, as amended by  
11 this Act and shall repeal any rules that are inconsistent with  
12 Sections 391.001 and 391.037, Transportation Code, as amended by  
13 this Act.

14 SECTION 4. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2017.