

Control of Outdoor Advertising Signs



RIGHT OF WAY DIVISION

Important Note:

**This booklet is offered
for general information
and illustrative purposes only.**

**It is not a document of law
nor a statement of TxDOT policy,
and may not be relied upon as such.**

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INTRODUCTION

This booklet contains a summary of information concerning the control of outdoor advertising signs.

Part I summarizes the Texas Department of Transportation's (TxDOT's) rules and policies governing the control of outdoor advertising signs along interstate and primary highways. These controls are implemented pursuant to the Texas Highway Beautification Act, Texas Transportation Code, Chapter 391.

Part II summarizes TxDOT's rules and policies governing the control of outdoor advertising signs along all other highways in Texas which are outside of the jurisdiction of any municipality. These controls are implemented pursuant to the Rural Road Act, Texas Transportation Code, Chapter 394.

The Texas Transportation Commission (the "Commission") has adopted rules for both programs, which are published in Title 43, Texas Administrative Code, Chapter 21.

Specific information relating to a particular sign or sign location should be obtained from the District office that serves the county in which the sign or site is located. See page 45 for a Texas County Outline Map, pages 46 & 47 for a list of Texas Counties by District, page 48 for a list of certified cities, and pages 61-62 for a list of District office locations, telephone numbers and addresses.

Complaints or inquiries concerning TxDOT's regulation of outdoor advertising should be directed to:

**Texas Department of Transportation
Right of Way Division
P.O. Box 5075
Austin, TX 78763-5075
(512) 416-2901**

SPECIAL NOTE

The sample forms contained in this booklet on pages 36-44 are examples of how the forms are to be completed.

All fees contained in this booklet are subject to change.

**PART I:
CONTROL OF OUTDOOR ADVERTISING SIGNS
ALONG INTERSTATE AND PRIMARY HIGHWAYS**

(Pursuant to the Texas Highway Beautification Act, Transportation Code, Chapter 391 and Title 43, Texas Administrative Code, Chap. 43, Subchap. I)

DEFINITIONS

Commission: The Texas Transportation Commission.

Conforming sign: A sign that is lawfully in place in a zoned or unzoned commercial or industrial area and which complies with all current rules and statutes.

Freeway: A divided highway with frontage roads or full control of access. *A proposed freeway is designated as a freeway for the purposes of this subchapter when the construction contract is awarded, regardless of whether the main traveled way is open to the public.*

Interchange: A system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels. *A proposed interchange is designated as an interchange when the construction contract is awarded, regardless of whether it is open to the public.*

Intersection: The common area at the junction of two highways, other than the junction of an alley and a highway. The dimensions of an intersection include only the common area:

- within the connection of the lateral curb lines or, in the absence of curb lines, the lateral boundary lines of the roadways of intersecting highways that join at approximate right angles; or
- at the place where vehicles could collide if traveling on roadways of intersecting highways that join at any angle other than an approximate right angle.

Each junction of each roadway of a highway that includes two roadways at least 30 feet apart with the roadway of an intersecting highway, including each roadway of an intersecting highway that includes two roadways at least 30 feet apart, is a separate intersection.

Interstate highway system: That portion of the national system of interstate and defense highways located within the State of Texas which now or hereafter may be so designated by the Commission and approved pursuant to 23 U.S. Code §103.

Main-traveled way: The traveled way of a highway that carries through traffic. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

National highway system: That portion of connected main highways located within the State of Texas that are so designated by the Commission and approved pursuant to 23 U.S. Code §103.

Nonconforming sign: A lawfully erected sign that does not comply with the provisions of a law or rule enacted at a later date, or that later fails to comply with a law or rule due to changed conditions.

Nonprofit sign: A sign erected and maintained by a nonprofit organization in a municipality or the extraterritorial jurisdiction of a municipality advertising or promoting only the municipality or another political subdivision whose jurisdiction is in whole or in part concurrent with the municipality.

Official sign: A sign erected by a governmental agency within its territorial jurisdiction for the purpose of carrying out an official duty or responsibility as provided by law.

Outdoor advertising sign: An outdoor sign, display, light, device, figure, painting, drawing, message, plaque, placard, poster, billboard, logo or symbol, or other thing which is designed, intended, or used to advertise or inform, if any part of the advertising or information contents is visible from the main-traveled way of a regulated highway.

Primary highway system or federal-aid primary system: That portion of connected main highways which were officially designated by the Commission as the federal-aid primary system in existence on June 1, 1991, and any highway that is not on the system but is on the National Highway System.

Public Park: A public park, forest, playground, nature preserve, or scenic area designated and maintained by a political subdivision or governmental agency.

Regulated highway: A highway on the interstate highway system or the primary highway system.

Removed: The dismantling and removal of a substantial portion of the parts and materials of a sign or sign structure from the view of the motoring public. The term shall not include the temporary removal of a sign face for operational reasons.

Rest Area: An area of public land designated by TxDOT as a rest area, comfort station, picnic area, or roadside park.

Sign face: The part of the sign that contains the message or informative contents and is distinguished from other parts of the sign and other sign faces by separation borders or decorative trim. It does not include lighting fixtures, aprons, and catwalks unless they display part of the message or informative contents of the sign.

Sign structure: All of the interrelated parts and materials, such as beams, poles, braces, apron, catwalk, and stringers, that are used, designed to be used, or are intended to be used to support or display a sign face.

Turning Roadway: A connecting roadway for traffic turning between two intersection legs of an interchange.

Urban area: 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 at a minimum includes an urban place as designated by the United States Bureau of the Census as having a population of 5,000 or more.

Visible: Capable of being seen, whether legible or not, without visual aid by a person with normal visual acuity.

JURISDICTION

TxDOT regulates signs erected and maintained along interstate and primary highways. The control applies to any sign located within 660 feet of the highway right of way, which is visible from the main-traveled way of the highway. Outside of urban areas, this control extends to include any sign located more than 660 feet from the highway right of way if the sign is visible from, and erected for the purpose of its message being seen from, the main-traveled way of the highway. Before erecting or maintaining an outdoor advertising sign, other than an exempt sign, along an interstate or primary highway, a sign owner must first obtain an outdoor advertising license from the TxDOT Right of Way Division office. In addition, a permit is required for each sign. An application for a sign permit must be made to the District office regulating signs within the county in which the sign is to be located. Certain cities in Texas have been certified to regulate signs within their corporate limits. A list of these cities may be found on page 48. In these cities, a permit from the State is not required, but a sign owner must have an outdoor advertising license from TxDOT. Cities that are not certified may control outdoor advertising in addition to TxDOT, both inside their corporate limits and in their extraterritorial jurisdiction. In this instance, two permits may be required, one from

TxDOT and one from the city. It is advisable to verify that a permit can be obtained from the city prior to building a sign.

SIGN STANDARDS

The following standards apply to signs controlled by the State. To be eligible for a permit, new signs must conform to the following standards. Existing signs that are legally in place, but do not meet the standards, are classified as legal nonconforming signs.

ESTABLISHING COMMERCIAL AND INDUSTRIAL AREAS

All signs except official or directional signs must be located in either:

- an area zoned for commercial or industrial use; or
- an unzoned commercial or industrial area.

Zoned Commercial or Industrial Areas

A zoned commercial or industrial area is an area designated, through a comprehensive zoning action, for general commercial or industrial use by a political subdivision with legal authority to zone.

The following areas are not zoned areas:

- areas that permit limited commercial or industrial activities incident to other primary land use;
- areas designated for and created primarily to permit outdoor advertising structures along a regulated highway;
- unrestricted areas; and
- small parcels or narrow stripes of land that cannot be put to ordinary commercial or industrial use and are designated for a use classification different from and less restrictive than that of the surrounding area.

Industrial Districts are not recognized as industrial zones.

Unzoned Commercial and Industrial Areas

An unzoned commercial or industrial area is an area along the highway right of way that has not been zoned under authority of law, that is not predominantly used for residential purposes, and that is within 800 feet, measured along the edge of the right of way, of, and on the same side of the highway as, the principal part of at least two adjacent recognized commercial or industrial activities.

Proximity to Right of Way

A portion of the regularly used buildings, parking lots, storage and processing areas, where each respective business activity is conducted, must be within 200 feet of

the highway right of way, and the permanent building where the activity is conducted must be visible from the main-traveled way.

Two Separate and Adjacent Activities

To be considered adjacent, there must be no separation of the regularly used buildings, parking lots, storage or processing areas of the two activities by vacant lots, undeveloped areas over 50 feet wide, roads, or streets. Two activities may occupy one building as long as each has 300 square feet of floor space dedicated to that activity and otherwise meets the definition of a commercial or industrial activity. There must be separation of the two activities by a dividing wall, separate ownership, or other distinctive characteristics. A separate product line offered by one business will not be considered two activities.

Measurements

The area to be considered, based upon the qualifying activities, is 1,600 feet (800 feet on each side) plus the actual or projected frontage of the commercial or industrial activities, measured along the highway right of way by a depth of 660 feet.

The depth of an unzoned commercial or industrial area is measured from the nearest edge of the highway right of way perpendicular to the centerline of the main-traveled way of the highway. See page 49 for an example of an unzoned commercial area.

Test for Residential

The area must be considered as a whole prior to the application of the test for predominantly residential.

An area shall be considered to be predominantly residential if more than 50% of the area is being used for residential purpose. Roads and streets with residential property on both sides shall be considered as being used for residential purposes. Other roads and streets will be considered nonresidential.

Non-Qualifying Commercial or Industrial Activities

The following activities will **not** be considered commercial or industrial for the purposes of establishing an unzoned commercial or industrial area:

- outdoor advertising structures;
- agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, temporary wayside fresh produce stands;
- activities not:
 - ◆ housed in a permanent building or structure;
 - ◆ having an indoor restroom, telephone, running water, functioning electrical connections, and adequate heating; or
 - ◆ having permanent flooring other than material such as dirt, gravel, or sand;

- activities not housed in a permanent building that is visible from the traffic lanes of the main-traveled way;
- activities conducted in a building primarily used as a residence;
- railroad right of way;
- activities that do not have a portion of the regularly used buildings, parking lots, storage or processing areas within 200 feet from the edge of the right of way;
- activities conducted only seasonally;
- activities conducted in a building having less than 300 square feet of floor space devoted to the activities;
- activities that do not have at least one person who is at the activity site, performing work, an average of at least 30 hours per week or at least five days per week;
- activities which have not been open for at least 90 days;
- recreational facilities such as campgrounds, golf courses, tennis courts, wild animal parks, and zoos, except for the portion of the activities occupied by permanent buildings which otherwise meet the criteria in this subsection, and parking lots;
- apartment houses or residential condominiums;
- areas used by public or private preschools, secondary schools, colleges and universities for education or recreation (this does not preclude trade schools or corporate training campuses);
- quarries or borrow pits, except for any portion of the activities occupied by permanent buildings which otherwise meet the criteria in this subsection and parking lots; and
- cemeteries, or churches, synagogues, mosques, or other places primarily used for worship.

Effect of Cessation of Activities

When a commercial or industrial activity ceases, resulting in an off-premise sign no longer being located within 800 feet of at least two adjacent recognized commercial or industrial activities located on the same side of the highway as the sign, the sign shall become nonconforming.

If TxDOT has evidence that an activity supporting an unzoned commercial or industrial area was created primarily or exclusively to qualify an area as an unzoned commercial or industrial area, and that no business has been conducted at the activity site within one year, TxDOT may cancel the permit.

SPACING

No sign may be located in a manner that creates a safety hazard, including:

- causing a driver to be unduly distracted in any way;
- obscuring or otherwise interfering with the effectiveness of an official traffic sign, signal or device; or

- obstructing or interfering with the driver's view of approaching, merging or intersecting traffic.

Signs may not be located within 1,500 feet of a public park that is adjacent to a regulated highway. This prohibition shall apply:

- on both sides of the highway on a nonfreeway primary system; and
- on the side of the highway next to the park on an interstate or freeway primary system.

The following spacing limitations apply to signs that will be erected outside incorporated municipalities along a freeway or interstate regulated highway. Signs may not be erected:

- in areas adjacent to or within 1,000 feet of interchanges, intersections at grade, or rest areas; or
- in areas adjacent to or within 1,000 feet of ramps or their acceleration and deceleration lanes. (Such distances shall be measured along the highway from the nearest point of beginning or ending of pavement widening at the exit from, or entrance to, the main-traveled way). See example, page 50.

Signs may not be erected closer than 1,500 feet apart on the same side of a regulated highway.

Signs erected outside of incorporated municipalities along the nonfreeway primary system may not be closer than 750 feet apart on the same side of the highway.

Signs erected in incorporated municipalities along the nonfreeway primary system may not be closer than 300 feet apart on the same side of the highway.

The spacing between signs shall not apply to signs separated by buildings, natural surroundings, or other obstructions, which cause only one sign located within the specified spacing to be visible at any one time.

No sign, other than an exempt sign, may be erected within five feet of any highway right of way line. This distance shall be measured from the end of the sign face nearest the right of way.

The spacing rules in this section do not apply to on-premise, directional or other official signs, nor shall measurements be made from these signs.

See page 31 for spacing criteria for directional signs. See page 50 for an illustration of typical interchanges.

SIZE

An off-premise sign face may not exceed 672 square feet, with a maximum sign face height of 25 feet and a maximum sign face length of 60 feet, inclusive of border and trim, but excluding the sign structure. Temporary protrusions, also known as cutouts, may not exceed 20% of the area indicated on the sign permit. Temporary protrusions may be added to an off-premise sign, provided that no off-premise sign to which one or more temporary protrusion or cutouts have been added shall have an area greater than 807 square feet, with a maximum sign face height of 25 feet and a maximum sign face length of 60 feet, inclusive of temporary protrusions or cutouts, border, and trim, but excluding the sign structure.

The maximum size limitations shall apply to each side of the sign structure or structures visible to approaching traffic on the main-traveled way of the regulated highway.

The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign face.

Sign faces may be placed back-to-back, side-by-side, stacked, or in V-type construction with not more than two faces presented in each direction. The sign structure or structures shall be considered one sign. Two sign faces facing one direction may be presented as one face by covering both faces and the area between the faces with an advertisement, as long as the size limitations for a single face set forth above are not exceeded.

Signs that exceed 336 square feet in area, including cutouts, may not be stacked or placed side-by-side.

A sign face may be permanently enlarged by 10% of the size shown on the permit without a new permit, if the enlargement does not cause the face to exceed the maximum size limitations set forth above. If a sign is built with a smaller face than the size shown on the permit or if the face is reduced in size after it is built, a new permit will be required to increase the size of the face beyond the allowed 10%.

OVERALL HEIGHT

A sign may not be erected that exceeds an overall height of 42 ½ feet, measured from the highest point of the sign to the grade level of the centerline of the main-traveled way closest to the sign, at a point perpendicular to the sign location.

A roof sign having a solid sign face surface may not at any point exceed 24 feet above the roof level.

Open sign faces on roof signs in which the uniform open area between individual letter or shapes is not less than 40% of the total gross area of the sign face may be

erected to a height of 40 feet above the roof level. The lowest point of a projecting roof or wall sign must be at least 14 feet above grade.

LIGHTING AND MOVEMENT OF SIGNS

Lighting

Signs may be illuminated except for signs that contain, include, or are illuminated by:

- any flashing, intermittent, or moving light or lights, including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display, even if the message is stationary, except those giving only public service information such as time, date, temperature or weather;
- lights that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of a regulated highway; and
- lights of such intensity or brilliance as to cause glare or vision impairment to the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle; and
- lights that interfere with the effectiveness of, or obscure an official traffic sign, device, or signal.

Moving Parts

Signs with intermittent messages are prohibited, including tri-vision signs with rotating slat messages. A cutout on a sign may be animated if it is not lighted or enhanced by reflective material so as to create the illusion of flashing or moving lights, or does not otherwise create a safety hazard to the traveling public.

Reflective Materials

Reflective paint or reflective disks may be used on a sign face unless they are determined by TxDOT to create the illusion of flashing or moving lights; or cause an undue distraction to the traveling public.

Neon

Non-flashing neon lights may be used on sign faces, unless the sign permit specifies an unilluminated sign structure; or the lights are determined by TxDOT to cause an undue distraction to the traveling public.

WIND LOAD PRESSURE

Permit applications for new signs and permit renewals must include a certification signed by the applicant that the proposed or existing sign will withstand wind load pressures in pounds per square foot as set out in Table 1 below.

Height, in feet above ground, as measured above the average level of the ground adjacent to the structure	Pressure, pounds per square foot
0 - 5	0
6 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

Table 1: Wind Load Pressure in Pounds Per Square Foot

OUTDOOR ADVERTISING LICENSE

Before erecting or maintaining an outdoor advertising sign, other than an exempt sign or a nonprofit sign, along a **regulated** highway, the sign owner must first obtain an outdoor advertising license from the **Right of Way Division** of the **Texas Department of Transportation**. Necessary forms may be obtained from the Right of Way Division or from any District office. To obtain a license, it is necessary to submit an *Outdoor Advertising License Application (Form ROW-OA1)*, an *Outdoor Advertisers Bond (Form ROW-OA2)*, and a **nonrefundable** license fee of \$125.00 made payable to the **Texas Highway Beautification Fund**. A checklist on the back of the license application contains guidelines for completing both forms. The submission for a license should be mailed to the Texas Department of Transportation, Right of Way Division, P.O. Box 13043, Austin, Texas 78711-3043. An outdoor advertising license is not required to erect a sign along a rural road. See Part II of this booklet for further information about rural road signs.

OUTDOOR ADVERTISING LICENSE APPLICATION

Outdoor Advertising Licenses can be issued only in the **legal** name of an individual or individuals or in the **exact** name of a corporation, partnership, limited partnership, trust, bank or other legal entity. The Outdoor Advertising License Application must:

- be completed in the **legal** name of **each** party wishing to erect a sign or signs;
- include the mailing address and telephone number of the applicant; and
- indicate the county or counties in which the applicant plans to erect or maintain signs.

Individuals

A license may be issued to one or more individuals. A married woman must use her own given name and not that of her husband; i.e., use Mary Jane Smith rather than Mrs. John Smith. The Social Security number of an individual applicant is required. Each applicant must sign the application and it must be notarized. An example of a **completed** *Outdoor Advertising License Application (Form ROW-OA1)* for an individual may be found on pages 36-37.

Corporations

Corporations, partnerships, trusts, and other legal entities must use the **exact** name on file with the Office of the Texas Secretary of State. In the event the legal entity is not on file with that Office, documentation **from the regulating authority** must be provided to establish the legal name of the entity. Please note that the assigned charter number required is the file number designated by the Office of the Texas Secretary of State. A corporate officer must sign the application and it must be notarized. The officer's corporate title must be printed or typed beneath the signature.

An example of a **completed** *Outdoor Advertising License Application (Form ROW-OAI)* for a corporation may be found on page 38.

The original license application with original signatures must be provided. Duplicated or stamped signatures will not be accepted.

OUTDOOR ADVERTISERS BOND

The Outdoor Advertisers Bond must be fully executed by a surety company authorized to transact the business of surety insurance in Texas. **The purpose of the bond is to reimburse the Commission for removal costs of a sign the license holder unlawfully erects or maintains.** A bond number must be assigned to the bond by the surety company. Please note the following:

1. The sign owner/principal name on the bond must be completed exactly as shown on the Outdoor Advertising License Application.
2. The full name, address, and telephone number of the surety company is required on page 1 of 2 of the bond.
3. The amount of the bond required is \$2,500.00 for each county in which signs are to be erected or maintained, up to a maximum of \$10,000.00 for four or more counties (Statewide coverage).
4. The effective date of the bond must be the same in both places on the bond.

If the applicant is a corporation, the bond must be signed by a corporate officer with the name of the corporation printed above the corporate officer's signature and title, and the corporate charter number printed beneath the officer's signature and title. For an individual applicant, the social security number is required.

The bond must also be signed by an Attorney-in-Fact or other representative of the surety company. The name of the surety company must be printed above the signature. A Power of Attorney must be attached to the bond for the surety company representative who signs the bond. A certification date is required at the bottom of the Power of Attorney attached to the bond.

The original bond with original signatures must be provided. Duplicated or stamped signatures will not be accepted. An example of a **completed** bond can be found on pages 39-40.

ISSUANCE AND DURATION OF OUTDOOR ADVERTISING LICENSES

Upon approval of the license submission, an outdoor advertising license will be issued and forwarded to the applicant. The license number assigned should be **printed on** all permit applications, renewals and transfers submitted by that licensee. An outdoor advertising license is not transferable and is valid only for the named licensee or licensees.

The outdoor advertising license will be valid for one year unless it is **relinquished by the license holder**, or suspended or revoked by TxDOT.

Renewal of Outdoor Advertising Licenses

An Outdoor Advertising License must be renewed each year. A license issued prior to January 1, 1991 must be renewed on or before January 1 of each succeeding year. A license issued after January 1, 1991 must be renewed each year on the anniversary date of its issuance. Notification of renewal will be sent to the license holder. Licenses that are not renewed will automatically expire. **Upon expiration of the license, all permits will become invalid.**

To renew the license, the licensee must:

- complete an *Outdoor Advertising License Renewal Application*, confirming that the *Outdoor Advertisers Bond* supporting the license remains in force;
- provide a **nonrefundable** license renewal fee of \$60.00, made payable to the **Texas Highway Beautification Fund**; and
- file the completed submission with the TxDOT Right of Way Division in Austin, Texas.

Permanent Suspension and/or Revocation of License

The license may be permanently suspended and/or revoked if the licensee:

- violates a provision of the Texas Transportation Code, Chapter 391 or a Commission rule;
- fails to keep the surety bond in force in the amount required by law;
- violates the terms of a permit; or ceases to be authorized to do business in Texas through the Office of the Secretary of State or other regulating authority. (Banks must be authorized through the State Banking Department or the Office of the United States Comptroller of the Currency).

Temporary Suspension of License Due to Bond Cancellation

Upon notification from the surety company that a bond is being cancelled, the Director will notify the license holder that either a bond reinstatement, or a replacement bond, must be filed with the Right of Way Division within 30 days of receipt of the notice, or prior to the bond cancellation date, whichever occurs later. Notice shall be presumed to be received five days after mailing. **If no bond coverage is provided prior to the bond cancellation date, the Director will issue a temporary suspension of the license for a specified time period, during which time no new sign permits can be issued and no existing sign permits can be transferred.** If no bond coverage is provided prior to the end of the suspension period, the Outdoor Advertising License will be revoked.

AMENDMENT OF OUTDOOR ADVERTISING LICENSE

An Outdoor Advertising License is not transferable. However, the name of the licensee may be amended to reflect a legal name change. Documentation as to the

name change must be provided. In the case of a corporate or bank name change, our legal representatives will make a determination as to whether a license may be amended, or a new license will be required. A license may also be amended to reflect a change in county coverage.

SIGN PERMITS

After an Outdoor Advertising License has been issued, the sign owner may apply for a permit from TxDOT's District office serving the county where the sign will be erected or maintained. A permit application **must** be submitted for each sign. Forms are available from TxDOT's District offices. No sign may be lawfully erected until a permit has been obtained.

SIGN PERMIT APPLICATION

The *Permit Application for Outdoor Advertising Sign, Form ROW-OA4*, must:

- be completed in the **exact** name shown on the Outdoor Advertising License;
- clearly show the location of the sign and all other items required by the application;
- be signed by **each** individual applicant, **or** by a corporate officer if the applicant is a corporation, and it must be notarized; and
- be accompanied by a **nonrefundable** permit fee of \$96.00 made payable to the **Texas Highway Beautification Fund**. The permit fee for a sign already in existence along a road that is added to the National Highway System is \$50.00.

If approved, a copy of the application, endorsed by the District Engineer, or designee, and a Texas sign permit plate, will be mailed to the applicant. The owner or owner's representative must attach the permit plate within 30 days after the erection of the permitted sign or within 30 days after issuance of the permit for existing signs. The permit plate is to be securely attached to the sign support or structure nearest the highway and visible from the main traveled way. A sample of a completed application may be found on pages 41-44.

STAKING AND SKETCH

The applicant must identify the proposed location for a new sign on the ground with paint or by a stake with at least two feet of the stake visible above the ground. The stake must be set at the proposed location of the center pole or the approximate center of the sign. Staking the site is considered part of the application. Stakes must not be moved or removed until the application is approved or denied, and if approved, until the sign has been erected. The sketch submitted with the application must reflect the location of the center-pole and show the exact location of the sign faces in relation to the center pole. If the sign is to have multiple poles, the sketch must show all of the poles and the locations of the sign faces in relation to the center pole.

PERMISSION FROM PROPERTY OWNER

No permit may be approved unless the applicant has obtained written permission from the owner of the designated site. A space is provided on the permit application for the site owner's signature. The signature must be the signature of the property owner or the owner's duly authorized representative. The owner's permission operates as permission for the life of the permit, unless the owner provides a written statement that permission for the maintenance of the sign has been withdrawn and documentation showing that the lease allowing the sign has been terminated in accordance with the terms of the lease agreement or through a court order. If the sign owner disputes the lease termination in court with the owner, TxDOT will not cancel the permit until a court order is provided.

RENEWAL OF OUTDOOR ADVERTISING SIGN PERMITS

Sign permits must be renewed each year. Sign permits issued before September 6, 1985 must be renewed no later than October 1st of each succeeding year. Sign permits issued after September 5, 1985 must be renewed annually on the anniversary date of issuance. Sign permits that are not renewed will automatically expire.

To renew the permit, the permit holder must:

- complete a Permit Renewal Application for Outdoor Advertising Sign, *Form ROW-OA-22*;
- provide a \$40.00 permit renewal fee for **each** permit to be renewed, made payable to the **Texas Highway Beautification Fund**; and
- mail the completed sign permit renewal application and permit renewal fee to the District office that issued the permit.

A permit is not eligible for renewal if the sign has not been built. The sign owner may apply for a new sign permit for the location.

LOCAL CONTROL

If a city has been certified by TxDOT to exercise control of outdoor advertising signs within its city limits, a State sign permit is not required. In this instance, the city would issue the sign permit. However, the applicant for the sign permit must have and maintain a valid Outdoor Advertising License. See page 48 for a list of certified cities. The city may also require additional permits, such as building permits, etc.

TxDOT may decertify a city if it fails to maintain an effective sign control program. The certification shall not apply within the extraterritorial jurisdiction of the city.

DURATION OF STATE OUTDOOR ADVERTISING SIGN PERMITS

A permit issued or renewed is only valid for the location indicated on the original permit application and only for the sign described on that application. A permit is valid for one year, provided the sign is erected and maintained in accordance with the law and all applicable rules, unless it is canceled sooner. The permit will automatically terminate if:

- the sign is acquired by the State;
- the permit expires due to non-renewal by the permit holder;
- The Outdoor Advertising License held by the permit holder expires due to non-renewal;
- the Outdoor Advertising License held by the permit holder is revoked. (see reasons for revocation under Permanent Suspension and Revocation of License, page 18);
- the permit is canceled by the permit holder; or
- the sign is not built within one year of the permit issuance date.

The Director of Right of Way may also cancel the permit if the sign is removed or is not maintained in accordance with the Texas Highway Beautification Act or Commission rules. See page 25 for the grounds for cancellation.

REPLACEMENT PLATES FOR OUTDOOR ADVERTISING SIGNS

If the permit plate becomes illegible or becomes detached from the sign structure, **a replacement plate** must be obtained from the District office serving the county in which the sign is located. An *Application for Replacement Permit Plate(s), Form ROW-OA-23*, may be obtained from any District office. The sign owner must affix the replacement plate to the sign structure. A **nonrefundable** fee of \$25.00 made payable to the **Texas Highway Beautification Fund** is required for each replacement plate.

TRANSFER OF STATE ADVERTISING SIGN PERMITS

State sign permits cannot be transferred without TxDOT approval; only valid permits may be transferred.

In requesting transfer of a valid sign permit, the following actions must be taken:

1. An *Application for Transfer of Outdoor Advertising Sign Permits, Form ROW-OA-16*, must be completed, signed by the seller and the buyer, and notarized. If either party is a corporation, a corporate officer must sign the application.
2. The **nonrefundable** transfer fee of \$25.00 **for each permit to be transferred**, not to exceed a total of \$2,500.00, must be submitted. The fee should be made payable to the **Texas Highway Beautification Fund** and may be paid by either the seller or the buyer.
3. The submission for transfer should be filed with the District office serving the county in which the sign is located. Two copies should be submitted with

the original. The original will be retained by the District office. One copy will be sent to the transferor and one copy will be sent to the transferee.

The District office will not approve the transfer unless both the seller and the buyer hold valid Outdoor Advertising Licenses at the time of approval. Each license must provide coverage for the county in which the sign is located.

CONVERSION OF RURAL ROAD PERMITS AND REGISTRATIONS

In the event a rural road is reclassified as a primary highway, TxDOT will convert a registration or a permit for a rural road sign to a permit for a primary highway. A holder of a permit or registration converted under this subsection will not be required to pay an original permit fee; however, the permit must be renewed annually on the date the renewal of the rural road permit or registration would have been due. In the event a sign owner has prepaid registration fees, the outstanding prepayment will be credited to the sign owner's annual renewal fee. TxDOT will issue permit plates to a holder of a permit or a registration converted under this subsection at no charge. In the event replacement plates are needed after the initial issuance, fees will be charged.

CONTINUANCE OF NONCONFORMING SIGNS

In order for a nonconforming sign structure to be maintained and continued the sign structure must:

- have existed at the time the conditions changed to make the sign nonconforming;
- have been lawful on the date it became subject to control by TxDOT; and
- remain substantially the same as it was on the date it became subject to TxDOT's control;

The permit holder's sign:

- may not be relocated even if the sign is sold, leased, or otherwise transferred, without affecting its status, unless the relocation is a result of a right of way acquisition requiring relocation to a conforming area;
- may not be destroyed, abandoned, or discontinued; and
- may not be removed for any reason, including repair.

NORMAL OR REASONABLE REPAIR AND MAINTENANCE

The following are considered to be normal or reasonable maintenance activities that do not need a new permit:

- replacement of nuts and bolts; nailing, riveting or welding; cleaning and painting; and manipulation to level or plumb the sign structure;
- replacement of parts, as long as the basic design or structure of the sign is not altered and materials of the same type are used;

- replacement of poles, as long as no more than one-half of the poles are replaced in any 12-month period and the poles are replaced with the same type of materials as the original poles; and
- changing the advertising message, including changing the sign face, as long as similar materials are used to replace the sign face.

SUBSTANTIAL CHANGE

Substantial changes that require a new permit are:

- adding lights to an unilluminated sign or adding more intense lighting to an illuminated sign, whether or not the lights are attached to the sign structure;
- changing the size of the sign beyond what is allowed (see page 13 for size allowances);
- changing the number of poles in the sign structure, unless the number of poles in a multiple pole structure is reduced to accommodate a reduction in the size of the original sign (provided that the original sign is not removed and replaced with another sign);
- changing the materials used in the construction of the sign, such as replacing wooden materials with metal materials;
- adding faces or changing the sign configuration, such as changing from a “V” configuration to a stacked configuration, or from a “V” configuration to a back-to-back configuration;
- increasing the height of the sign from the height designated on the original permit;
- moving the sign structure or sign face in any way unless the movement is made in accordance with TxDOT’s relocation provisions, as a result of a highway project;
- replacing more than one-half of the poles in a multiple pole sign structure in any 12-month period; or
- making repairs that exceed 60% of the cost to erect a new sign of the same type at the same location.

A new permit will not be issued for a nonconforming sign.

DAMAGE

In the event the sign is partially destroyed by wind or other natural forces including tornadoes, hurricanes, or other occurrences outside the control of the permit holder, TxDOT will determine whether the sign can be repaired without a new permit.

TxDOT may require the permit holder to submit an estimate of the proposed work, including an itemized list of materials to be used and the manner in which the work will be done. TxDOT may allow the sign to be repaired without issuing a new permit if TxDOT determines that the repairs would constitute normal or reasonable repair and maintenance, if the damage to the sign is not substantial.

TxDOT will cancel the existing permit if it determines the damage to the sign is substantial.

After the permit is canceled, the remaining sign structure must be dismantled and removed without cost to TxDOT, unless a new permit can be issued. TxDOT will not issue a new permit to repair or rebuild the sign if the sign location is nonconforming.

If a decision to cancel a permit is appealed, then the sign may not be repaired during the appeal process.

The damage will be considered substantial if:

- the cost to repair the sign would exceed 60% of the cost to replace it with a sign of the same basic construction at the same location; or
- the repairs would not constitute normal or reasonable repair and maintenance, as described above.

ABANDONMENT

TxDOT may consider a sign abandoned and cancel the permit or refuse to renew the permit if:

- a sign structure is without advertising matter or displays obsolete advertising matter for a period of 365 consecutive days; or
- the sign has fallen into disrepair or become overgrown by trees or other vegetation.

Small temporary signs such as garage sale signs or campaign signs attached to the structure do not constitute advertising matter that would stop the 365 days from running. The payment of property taxes or retention of the sign as a balance sheet asset will not be considered in determining whether the sign permit should be canceled.

An abandoned sign in a nonconforming sign location may not be re-permitted. If the location of the abandoned sign is conforming, a new permit may be issued to anyone who submits an application that meets the requirements of applicable laws and regulations.

REMOVAL

Actions constituting removal include, but are not limited to:

1. Removal of the structure, regardless of whether it was removed by someone other than the permit holder. This includes removal of the structure for repairs. Repairs must be conducted at the sign site. The face may be temporarily removed for repainting.
2. Removal of the structure when it is replaced with a different structure.
3. Removal of the structure when it is moved to another location.

DESTRUCTION OF TREES/VIOLATION OF CONTROL OF ACCESS

Trees and vegetation on the TxDOT's right of way may not be destroyed, damaged or cut for any purpose. TxDOT will not issue a permit for a sign that will be obscured by existing vegetation or landscaping along the highway right of way.

TxDOT will not issue a permit for a sign unless it can be erected or maintained from private property.

TxDOT will cancel a permit for the erection and maintenance of an outdoor advertising sign if the owner, or someone acting on behalf of the owner, does not comply with State law or regulations. TxDOT may further seek all other relief made available by law to recover damages and costs to enforce this provision.

CANCELLATION OF PERMITS

The director may cancel a permit if the sign:

- is removed;
- is not maintained in accordance with the applicable statutes and Commission rules;
- is damaged beyond the repair threshold described on page 23 (Damage);
- is abandoned;
- is not built in the location described on the permit application or in accordance with the description of the structure on the permit application;
- is built by an applicant who uses false or materially misleading information on the permit application;
- is located on property owned by a person who withdraws, in writing, the permission to occupy the property;
- is located in an area in which the activity has ceased as set forth on page 11 of this booklet;
- is erected, repaired, or maintained from highway right of way;
- has been made more visible by the permit holder clearing vegetation from the highway right of way; or
- does not have permit plates properly attached to the sign.

APPEAL PROCESS FOR PERMIT DENIALS

An applicant may file a petition with the Executive Director of TxDOT to appeal a denied permit. The petition should contain a statement of facts as to why the denial is believed to be in error; and supporting documentation such as drawings, surveys, or photographs. The Executive Director or designee will make a final determination.

If the petition is denied, TxDOT will send a written decision to the applicant stating the reason for denial.

ENFORCEMENT

ADMINISTRATIVE HEARING

If an outdoor advertising license is suspended and/or revoked or if an existing sign permit is canceled, the licensee may have an opportunity to request an administrative hearing.

REMOVAL OF SIGN

If a permit expires without renewal, is canceled without reinstatement, or if a sign other than an exempt sign is erected or maintained without a permit, the owner of the involved sign and sign structure shall, upon written notification by the District Engineer of the District in which the sign is located, remove the sign or sign structure at no cost to the State.

If the State removes the sign, with the permission of the landowner, the license holder or the bonding company will be charged for the total cost of the removal.

PENALTIES FOR ERECTING A SIGN WITHOUT A PERMIT

Any person who willfully violates any provision of the Highway Beautification Act, Transportation Code, Chapter 391, or a rule adopted by the Texas Transportation Commission under Chapter 391, is subject to a fine for a misdemeanor, punishable by a fine of not less than \$500.00 nor more than \$1,000.00 for **each** violation. Each day a person is in violation constitutes a separate offense.

Further, if the owner of a sign erected or maintained in violation of applicable laws and regulations does not remove the structure within 45 days of the date of the violation notice, TxDOT may direct the Office of the Attorney General to seek an injunction to prohibit the owner from maintaining the advertising; and require removal of the structure.

The State is entitled to recover from the owner all administrative and legal costs and expenses incurred to remove the sign structure, including court costs and reasonable attorney's fees.

In addition to being subject to a criminal penalty and injunctive action, a person who intentionally erects or maintains a sign in violation of the law and/or regulations is liable to the State for a civil penalty, which the Office of the Attorney General may sue to collect. The amount of the civil penalty is not less than \$500.00 or more than \$1,000.00 for **each** violation, depending upon the seriousness of the violation. A separate penalty may be collected for each day a continuing violation occurs.

EXEMPT SIGNS

The following types of signs may be erected or maintained without an Outdoor Advertising License or an Outdoor Advertising Sign Permit:

1. On-premise signs meeting the requirements in the next section, “On-Premise Sign Criteria”.
2. Signs erected for the purpose of protecting life or property, including those providing information about underground utility lines.
3. Official signs erected by public officers or public agencies within their territorial or zoning jurisdiction pursuant to and in accordance with their authorization contained in law.
4. Signs required by the Texas Railroad Commission at the principal entrance to or on each oil or gas producing property, well, tank or measuring facility to identify or to locate the property; the signs shall be no larger in size than necessary to comply with the Texas Railroad Commission regulations and will have no advertising message other than the name or logo of the company and the necessary directions;
5. Service club and religious notices relating to meetings of nonprofit service clubs, charitable associations, or religious services, which do not exceed eight square feet in area.
6. Public service signs located on school bus stop shelters that:
 - identify the donor, sponsor, or contributor of the shelter;
 - contain public service messages occupying not less than 50% of the area of the sign;
 - contain no other message;
 - are authorized or approved by city, county, or State law, regulation, or ordinance, and at places approved by the city, county or State agency controlling the highway involved; and
 - do not exceed 32 square feet in area.

Not more than one sign on each shelter shall face in any one direction.

7. Signs not more than 32 square feet showing only the name of a ranch where livestock is raised or a farm where crops are grown and directions to the ranch or farm.
8. Directional signs, which meet the criteria set forth on page 30.
9. Signs erected solely for and relating to a public election, but only if the signs:
 - are on private property;
 - are erected no earlier than 90 days before an election and are removed no later than 10 days after an election;
 - are constructed of lightweight material;
 - are no larger than 50 square feet; and
 - contain no commercial logo or endorsement.

10. Signs erected outside an urban area if the signs are located more than 660 feet from the nearest edge of the right of way of a controlled highway and are either not visible or obviously not erected for the purpose of their message being seen from the main-traveled way of the controlled highway.
11. Signs erected within an urban area which are more than 660 feet from the right of way of a controlled highway.
12. Signs erected on or before October 22, 1965, which the Texas Transportation Commission, with the approval of the Secretary of the United States Department of Transportation, determines to be landmark signs of such historic or artistic significance that preservation would be consistent with the Federal Highway Beautification Act of 1965.

ON-PREMISE SIGN CRITERIA

A sign is considered an on-premise sign and a permit is not necessary if it meets the following requirements:

1. Purpose test.
 - On-premise business. TxDOT considers an on-premise sign to be a sign that refers to a commercial activity or business located on the same property if the sign:
 - ◆ consists solely of the name of the establishment;
 - ◆ identifies the establishment's principal product or services; or
 - ◆ advertises the sale or lease of the property on which the sign is located.
 - Off-premise business. A sign is considered off-premise outdoor advertising if it:
 - ◆ brings rental income to the property owner;
 - ◆ has over 50% of the area of its sign face dedicated to brand name or trade name advertising;
 - ◆ has over 50% of the area of its sign face dedicated to a product or service that is only incidental to the principal activity;
 - ◆ is an outdoor advertising device that advertises activities not conducted on the premises as well as activities conducted on the premises; or
 - ◆ is a sale or lease sign that advertises any product or service not located upon and related to the business of selling or leasing the land on which the sign is located.
2. Premise test.
 - An on-premise sign must be located on the same property as the activity or property advertised.
 - The property where the sign is located and the property where the activity is conducted must be under common ownership and on the same contiguous tract of land unless the sign is a part of a commercial development and multiple businesses share one sign structure.
 - The following types of property will not be considered to be a part of the same contiguous tract:

- ◆ land separated from the activity by a road, highway or other activity contiguous to the land actually used by a commercial facility;
- ◆ land devoted to a separate purpose unrelated to the advertised activity;
- ◆ land held by easement or other lesser property interest than the premises where the advertising activity is located; and
- ◆ a sign site located on a narrow strip contiguous to the advertised activity, including any configurations of land that cannot be put to any reasonable use related to the activity other than for a sign.

PROHIBITED SIGNS

The following types of outdoor advertising signs shall not be erected or maintained along, or be visible from, the main-traveled way of a regulated highway unless otherwise authorized by law:

- signs that are erected or maintained upon trees or painted or drawn upon rocks or other natural features;
- signs that are erected or maintained within the right of way of a public roadway or within what would be the right of way if the right of way boundary lines were projected across an area of railroad right of way, utility right of way, or road right of way not owned by the State or any political subdivision. Legally erected and permitted signs may be maintained as nonconforming signs in areas used jointly by TxDOT and a railroad or utility company if they were erected prior to March 3, 1986;
- signs erected or maintained without a permit or operated without a license, which are not otherwise exempt;
- signs prohibited by Transportation Code §544.006, governing the display of unauthorized signs, signals and markings.

Signs prohibited by Transportation Code §544.006 include:

- signs with flashing lights within 1000 feet of an intersection;
- signs that imitate or resemble official traffic-control devices or railroad signs or signals;
- signs that attempt to direct the movement of traffic; or
- signs that hide from view or hinder the effectiveness of an official traffic-control device or railroad sign or signal.

DIRECTIONAL SIGNS

A directional sign is a sign containing directional information about public and private attractions of interest to the traveling public and having statewide or regional significance.

REGISTRATION

A directional sign may be erected and maintained without a license and permit. However, prior to erecting a directional sign, the owner must file an application on *Form ROW-OA26, Registration for Directional Sign*, showing the location, message content, construction, and dimensions of the sign. There will be no fee associated with this registration.

The following criteria are applicable to directional signs:

Message Content

The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.

Selection Method and Criteria

Privately owned activities or attractions eligible for directional signing are limited to the following:

- natural phenomena;
- scenic attractions;
- historic, educational, cultural, scientific, and religious sites; and
- outdoor recreational areas.

To be eligible, privately owned attractions or activities must be of national or regional interest to the traveling public. Examples of these sites may be found in the “National Register of Historic Places”, the “National Registry of Natural Landmarks” published by the U.S. Department of Interior, and the “Texas State Travel Guide” published by the State of Texas. Each District Engineer is authorized to determine whether a particular sign advertises an activity or attraction which is nationally or regionally known and of outstanding interest to the traveling public. A Chamber of Commerce sign may also qualify as a directional sign.

Size

No sign shall exceed the maximum area of 150 square feet, maximum height of 20 feet and maximum length of 20 feet. All dimensions include border and trim, but exclude supports.

Lighting and Movement

The lighting standards explained on page 14 also apply to directional signs. Directional signs may not move or have any animated or moving parts.

Spacing

TxDOT must approve each location of a directional sign.

No directional sign may be located within 2,000 feet of an interchange or intersection at grade along the interstate system or other primary system. The measurement is made from the nearest point of the beginning, ending, or pavement widening at the exit from or the entrance to the main-traveled way.

No directional sign may be located within 2,000 feet of a rest area, public park or scenic area.

No two directional signs facing the same direction of travel shall be spaced less than one mile apart.

No more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity.

Signs located adjacent to the Interstate System shall be within 75 air miles of the activity.

Signs located adjacent to the primary system shall be within 50 air miles of the activity.

NONPROFIT SIGNS

A nonprofit organization may obtain a permit to erect and maintain a nonprofit sign, with a reduced original fee of \$10.00, and a \$10.00 annual renewal fee.

In order to qualify for a non-profit sign permit issued under this subsection, a sign must comply with all applicable requirements from which it is not specifically exempted, be in a conforming location, and it must meet the definition of a nonprofit sign.

An application for a nonprofit sign must include, in detail, the content of the message to be displayed on the sign. Prior to changing the message, the permit holder must obtain the approval of the District Engineer in whose District the sign is maintained.

If at any time the sign ceases to meet the requirements for a nonprofit sign, the permit will be subject to cancellation.

If the holder of a nonprofit permit loses its nonprofit status or wishes to advertise or promote something other than the municipality or political subdivision, the permit must be converted to a regular permit. The permit holder must obtain an outdoor advertising license. The permit may then be converted to a regular sign permit by filing an application with the appropriate District office and paying a \$96.00 fee for an original permit. After the conversion, the permit holder must renew the permit annually, at a regular renewal rate of \$40.00 per year.

A nonprofit organization holding a valid permit for a nonconforming sign that would otherwise qualify for a permit under this subsection may convert its permit to a nonprofit permit by filing an application with the appropriate District Office. No fee is charged for the conversion; the permit may be renewed for \$10.00 per year.

No outdoor advertising license is required to obtain a nonprofit sign permit, or to maintain a nonprofit sign.

PAYMENT

If the check or money order for any license or permit transaction is not honored upon presentment, the transaction will not take effect and any approved applications will be void **from the date the payment was received.**

RELOCATION

This section explains the permitting process for the relocation of certain signs along regulated highways within the State of Texas that would otherwise be precluded. This explanation is not intended to cover the procedures to qualify for relocation payments under the Uniform Relocation Act, nor is it intended to cover the acquisition and payment process.

PERMIT

When a sign within the proposed highway right of way is to be relocated to accommodate a regulated highway project, the District Engineer of the TxDOT District within whose jurisdiction the sign is located may issue a permit for the new sign location if the location meets the following requirements.

A new sign permit application shall be submitted but will not require payment of a permit fee. Sign relocation shall be in accordance with all local codes, ordinances,

and applicable laws. The District Engineer shall initially determine that the permit is necessary to avoid excessive project costs and/or a delay in the completion of the project. The existing sign to be relocated must be an off-premise sign legally erected and maintained.

PRIORITY OF LOCATION

The sign must be situated after its relocation according to the following priority:

- upon the remainder of the same tract or parcel of land upon which it was situated before its relocation, if any;
- if there is no remainder or if the remainder is not of sufficient size or suitable configuration for the relocation of the sign, then upon the property abutting the proposed highway right of way at the original sign location or upon property abutting the insufficient remainder, if available;
- on property adjacent to the locations named in the two items above;
- to another location within 50 miles of the original sign location, within the same Department-designated District; or
- to another location within 50 miles of the original sign location, within another district of TxDOT, with the approval of the District Engineer where the sign is to be relocated.

If the sign is relocated to a county that is not covered by the existing license and bond, the license must be amended and the bond coverage may have to be increased prior to obtaining approval of the District Engineer. No fee is required to amend a license.

If possible, the sign is to be placed in the same relative position as to line of sight.

The relocated sign must be within a zoned commercial or industrial area or an unzoned commercial or industrial area, except that an unzoned commercial or industrial area may include only one recognized commercial or industrial activity.

SPACING

The relocated sign location must meet the following spacing criteria.

1. The sign may not be placed where it is likely to cause a driver to be unduly distracted in any way or where it will obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic, whether the intersection be of two or more highways or the intersection of a highway with a railroad.
2. The sign may not be placed within 500 feet of a public park that is adjacent to a regulated highway. This prohibition shall apply (i) on both sides of the highway on a nonfreeway primary system; and (ii) on the side of the highway next to the public park on an interstate or freeway primary system.

3. If the sign is to be placed outside an incorporated municipality along an interstate or freeway highway, the sign may not be located in areas adjacent to or within 500 feet of:
 - interchanges, intersections at grade and rest areas; or
 - ramps, their acceleration and deceleration lanes (*Such distances shall be measured along the highway from the nearest point of beginning or ending of pavement widening at the exit from, or entrance to, the main-traveled way*).
4. The sign may not be erected along the interstate and freeway primary systems closer than 500 feet apart on the same side of the highway.
5. The sign may not be erected along the nonfreeway primary system located outside of municipalities closer than 300 feet apart on the same side of the highway.
6. The sign may not be erected along the nonfreeway primary system in municipalities closer than 100 feet apart on the same side of the highway.
7. The sign may not be erected within five feet of any highway right of way line.

SIZE, CONFIGURATION AND CONSTRUCTION

The size, configuration and construction of the relocated sign must conform to the following provisions:

1. The maximum area for any one sign face shall be 1,200 square feet, with a maximum height of 25 feet and a maximum length of 60 feet.
2. The maximum size limitations shall apply to each sign face visible to approaching traffic.
3. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign.
4. Sign faces may be placed back-to-back, side-by-side, stacked, or in “V” type construction with not more than two displays to each facing. The sign structure and faces shall be considered one sign.
5. A sign face that exceeds 350 square feet in area may not be stacked or placed side-by-side.
6. In no event shall the size of the sign face, the number of sign faces, or lighting, if any, of the relocated sign exceed the size, number of faces, or lighting, if any, of the existing sign.
7. The relocated sign will be constructed with the same number of poles and of the same type of materials as the existing sign.
8. The relocated sign must not exceed the maximum height set forth on page 13.

The sign replacement site is to be approved by the District Engineer or his designee prior to the removal of the existing sign.

A permit may be issued pursuant to this section if a sign is designated by the owner as personal property and the sign owner receives relocation benefits, or if the sign is designated by the owner as realty, valued and purchased according to TxDOT’s

sign valuation schedules, and retained by the sign owner. A permit may not be issued under this section to relocate a sign purchased through an eminent domain proceeding.

The spacing requirements set forth above do not apply to signs separated by buildings, natural surroundings, or other obstructions which cause only one sign located within the specified spacing to be visible at any one time; and exempt signs, nor shall measurements be made from these signs.

WAIVER OF DAMAGES

The sign owner must enter into a written agreement with the acquiring agency waiving and releasing any claim for damages against the acquiring agency and the State for any temporary or permanent taking of the sign in consideration of the payment by the acquiring agency of a mutually agreed upon specified amount of money calculated to cover the cost to the sign owner of the relocation of the sign.

BISECTION

An existing permit may be amended by the District Office (serving the county where the sign is located) to authorize:

- a monopole sign face overhanging the proposed right of way to be shifted to the remainder;
- a multipole structure located partially in the proposed right of way to have the poles in the right of way moved to the remainder and the face shifted to the relocated poles; or
- the sign to be bisected and the face size reduced.

RELOCATION WITHIN A CERTIFIED CITY

If a displaced sign is subject to the jurisdiction of a municipality certified to control outdoor advertising, and the sign will be relocated within that municipality, permission to relocate the sign must be obtained only from the certified municipality, in accordance with the municipality's sign and zoning ordinances. A permit from the municipality will be required in order to receive relocation benefits from TxDOT. A separate permit from TxDOT is not required and the specific requirements for a relocation permit need not be met.



Form ROW-OA-1 (page 1 of 2)
 (Replaces Form U-15-OA1, all pages)
 Rev. 5/2003

License No. _____
Date Issued _____ <small>(To be completed by State)</small>

OUTDOOR ADVERTISING LICENSE APPLICATION

Formal application is hereby made for an Outdoor Advertising License to erect or maintain outdoor advertising signs. I agree to notify the Texas Department of Transportation (TxDOT), at the address shown on the bottom of Page 2, of any change in my mailing address, status and/or telephone number.

1. Full Name of Owner: John Milton Smith
EITHER Individual Name(s) **OR** Exact Corporate Name

2. Mailing Address: 2403 Guadalupe Street County Travis
Street or Route No. City

Austin Texas 78705 512-478-0009
City State Zip Code Telephone Number

3. Outdoor advertising sign(s) will be erected or maintained in:

Check One: More than three counties
 In the county or counties listed below:

Blanco Travis

The original, fully executed *Outdoor Advertisers Bond, Form ROW-OA-2*, providing for bond coverage in the amount of \$2,500 for each county shown above, or \$10,000 for more than three counties, is attached.

4. Corporations and Limited Partnerships must be authorized to do business in Texas through the office of the Texas Secretary of State and show the assigned charter number here _____

5. Social Security Number if you are applying as an individual or sole proprietor: 123-45-6789

If a license is issued on the basis of this application, the owner agrees to abide by all applicable laws regarding outdoor advertising and the rules and regulations promulgated by the Texas Transportation Commission pertaining to outdoor advertising. The Texas Transportation Commission may suspend and/or revoke this license if the applicant fails to comply with any of those laws, rules or regulations. The license, if issued, will terminate one year after the date of issuance unless renewed.

6. BEFORE ME, the undersigned Notary Public, on this day personally appeared John Milton Smith
 who, having been by me duly sworn, stated as follows: "Under the penalties of perjury, I certify that I as an individual or as an owner, member of the partnership, or officer of the corporation, have the authority to sign this application and to make the statements set forth herein, that I have reviewed all of the statements and data set out in this application, and that all of the same are true and correct."

By: John Milton Smith
Signature

Owner
Title or Position

7. Sworn to before me on this the 26th day of September, 2003.



Rachel M. Jessen
 Notary Public, State of Texas

NOTE: Mail completed application, fully executed bond, and nonrefundable license fee of \$125.00 to the Texas Department of Transportation, Right of Way Division, P.O. Box 13043, Austin, Texas 78711-3043. Make license fee payable to the Texas Highway Beautification Fund. You will be notified by mail of action taken on this application.

Figure 1: Outdoor Advertising License Application,
 Form ROW-OA1, Page 1 of 2 (Individual)

CHECKLIST

I. LICENSE APPLICATION

1. Individual: Complete legal name of each owner.

Corporations and Limited Partnerships: Exact name on file with the office of the Texas Secretary of State.
(Banks must use name on file with applicable regulatory authority.)

2. Full mailing address to be used for official notices; daytime telephone number.
3. County or Counties in which signs will be erected or maintained

Bond Coverage required: \$ 2,500.00 for 1 county;
 5,000.00 for 2 counties;
 7,500.00 for 3 counties
 10,000.00 for statewide coverage

4. Corporations, Limited Partnerships and Banks: Charter number assigned by the office of the Texas Secretary of State or other regulatory authority, not the tax identification number.
5. Social Security number if you are applying as an individual or as a sole proprietor.
6. Type or print name or names of the person or persons signing the form on blank line in paragraph 6.

Sign as indicated below:

Individuals: Signature(s) of all applicants

Corporations: Signature of a corporate officer or someone else who has been authorized by the Board of Directors to sign the application. Show the title of the corporate officer or authorized representative.

7. Signature of Notary Public with current notary seal affixed and date oath is taken.

II. OUTDOOR ADVERTISERS BOND

- Form ROW-OA-2, *Outdoor Advertisers Bond*, must be fully executed by a surety company in the exact name shown on the license application.
- See Item Number 3 above for amount of coverage needed and Item Number 7 above for instructions on signature of principal.

III. FEES

Attach a nonrefundable \$125.00 license fee made payable to the **Texas Highway Beautification Fund**.

SPECIAL NOTE: All submissions which include any kind of payment must be mailed to the address shown at the bottom of Page 1. For all other routine correspondence, including changes of mailing address, status or telephone number, the following address is to be used:

Texas Department of Transportation
Right of Way Division
P. O. Box 5075
Austin, Texas 78763-5075

**Figure 2: Outdoor Advertising License Application,
Form ROW-OA1, Page 2 of 2 (Individual)**



Form ROW-OA-1 (page 1 of 2)
 (Replaces Form D-15-OA1, all pages)
 Rev. 5/2003

License No. _____
Date Issued _____ (To be completed by State)

OUTDOOR ADVERTISING LICENSE APPLICATION

Formal application is hereby made for an Outdoor Advertising License to erect or maintain outdoor advertising signs. I agree to notify the Texas Department of Transportation (TxDOT), at the address shown on the bottom of Page 2, of any change in my mailing address, status and/or telephone number.

1. Full Name of Owner: Advertising Company, Inc.
EITHER Individual Name(s) OR Exact Corporate Name

2. Mailing Address: 456 Stark Street Travis
Street or Route No. County

Austin Texas 78700 512-123-4567
City State Zip Code Telephone Number

3. Outdoor advertising sign(s) will be erected or maintained in:

Check One: More than three counties
 In the county or counties listed below:

The original, fully executed *Outdoor Advertisers Bond, Form ROW-OA-2*, providing for bond coverage in the amount of \$2,500 for each county shown above, or \$10,000 for more than three counties, is attached.

4. Corporations and Limited Partnerships must be authorized to do business in Texas through the office of the Texas Secretary of State and show the assigned charter number here 00000001.

5. Social Security Number if you are applying as an individual or sole proprietor: _____

If a license is issued on the basis of this application, the owner agrees to abide by all applicable laws regarding outdoor advertising and the rules and regulations promulgated by the Texas Transportation Commission pertaining to outdoor advertising. The Texas Transportation Commission may suspend and/or revoke this license if the applicant fails to comply with any of these laws, rules or regulations. The license, if issued, will terminate one year after the date of issuance unless renewed.

6. BEFORE ME, the undersigned Notary Public, on this day personally appeared John Smith who, having been by me duly sworn, stated as follows: "Under the penalties of perjury, I certify that I as an individual or as an owner, member of the partnership, or officer of the corporation, have the authority to sign this application and to make the statements set forth herein, that I have reviewed all of the statements and data set out in this application, and that all of the same are true and correct."

By: *John Smith*
 Signature

 President
 Title or Position

7. Sworn to before me on this the 26th day of September, 2003.



Rachel M. Jessen
 Notary Public, State of Texas

NOTE: Mail completed application, fully executed bond, and nonrefundable license fee of \$125.00 to the Texas Department of Transportation, Right of Way Division, P.O. Box 13043, Austin, Texas 78711-3043. Make license fee payable to the Texas Highway Beautification Fund. You will be notified by mail of action taken on this application.

Figure 3: Outdoor Advertising License Application,
 Form ROW-OA1, Page 1 of 2 (Corporate)
 (Page 2 of this form is identical to page 37)



Form ROW-OA-2 (page 1 of 2)
(Replaces Form D-15-OA/2, all pages)
Rev. 3/2007

OUTDOOR ADVERTISERS BOND

Surety Company Bond No. 174832

THE STATE OF TEXAS

§

§

§

COUNTY OF Travis

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Advertising Company, Inc.
(Full Name of Sign Owner or Principal as shown on license application)

456 Stark Street, Austin, Texas 78700 512-123-4567
(Full address and telephone number of Sign Owner or Principal as shown on license application)

as principal and licensee and

American Surety Corporation

(Full Name of Surety Company executing bond)

P. O. Box 561243, Austin, Texas 78740 512-773-4512
(Full address and telephone number of Surety Company executing bond)

as surety, are held and firmly bound unto the

TEXAS TRANSPORTATION COMMISSION

IN THE SUM OF \$ 10,000.00

to be payable at the office of said Commission in Austin, Texas as reimbursement for removal costs of any sign or signs that the principal and licensee unlawfully erects or maintains in violation of V.T.C.A., Transportation Code, Chapter 391.

A condition of this bond is that the principal has applied or is prepared to apply for or has been granted a license to erect or maintain a sign or signs pursuant to the provisions of V.T.C.A., Transportation Code, Chapter 391.

In consideration of the issuance of a license by the Commission, the principal as licensee and the surety enter into this bond agreement to secure the Commission as licensor against costs associated with the removal of illegal signs. If the principal does not erect or maintain any unlawful sign or signs during the term of this bond obligation, then the obligation shall be void, otherwise to remain in full force and effect.

This bond obligation shall not be discharged until payments totaling the face amount of this bond are paid; but in no event will the total obligation exceed the face amount. This obligation is fully assignable and shall bind all parties, their heirs, executors, administrators, successors, and assigns, jointly and severally.

Figure 4: Outdoor Advertisers Bond, Form ROW-OA2, Page 1 of 2

It is agreed that as of September 26, 2003 this bond shall be in full force and effect. The effective time period or term of this bond is continuous and shall run concurrently with the license period and for any and all renewal periods unless canceled by affirmative action of the surety. The surety may cancel this bond by giving written notice by certified mailings to the principal at the last known business address of the principal and to the Texas Transportation Commission, Attention: Right of Way Division, P.O. Box 5075, Austin, Texas 78763-5075. Such act of cancellation shall be effective thirty (30) days after actual receipt of the notice by the Commission. Such an act of cancellation by the surety shall not affect any liability incurred prior to the effective cancellation date.

The obligation of this bond is assumed by the surety in consideration of a premium payment to the surety by the principal, the receipt of which is acknowledged by the surety.

IN WITNESS WHEREOF said PRINCIPAL and SURETY have executed this bond this

29th day of September, 2003, to be effective on
the 26th day of September, 2003.

Advertising Company, Inc.
* Principal

John Smith, President
Principal's Signature and Title

00000001
Charter Number if Principal is a Corporation or Limited Partnership
Social Security Number if Individual

* NOTE: *If principal is a corporation, an officer must sign the bond and show the corporate name and his/her corporate title. If principal is a limited partnership, provide the name of the limited partnership and the general partner. An officer of the general partner must sign the bond and show his/her title.*

American Surety Corporation
Full Name of Surety Company

**By: Maureen Johnson
Signature of Surety Company Representative

**NOTE: *Attach a currently dated and fully executed Power of Attorney for the surety company representative who signs the bond.*



Form ROW-OA-4
Rev. 9/2003
Replaces Form D-15-OA4
GSD-EPC
Page 1 of 4

PERMIT APPLICATION FOR OUTDOOR ADVERTISING SIGN

Part I - Instructions			
Complete this application, sign, and present it to the Texas Department of Transportation District Office serving the county where the sign is to be located. Attach a \$96.00 NONREFUNDABLE fee made payable to the TEXAS HIGHWAY BEAUTIFICATION FUND. If this application is approved, the applicant agrees to abide by the provisions of Texas Laws and the rules and regulations established by the Texas Transportation Commission pertaining to outdoor advertising, and certifies that the below described sign is erected and maintained in accordance with all specifications, standards and requirements under these laws, rules and regulations. TxDOT, by issuance of this permit, does not represent that the sign or location thereof meets city, county and/or local government laws, orders, ordinances and/or other regulations.			
Part II - Applicant Information			
Full Name of Applicant (as shown on license): John Milton Smith		License Number: 005	
Street Address: 123 Main Street		Phone Number: (512) 555-6789	
City, State, Zip Code: Austin, Texas 78700-0031		Submission Date: September 9, 2003	
Part III - Location of Sign			
County: Travis	City (or nearest City): Austin	Highway Number: IH-35	Side of Highway (N,S,E,W) W
Site is: (CHECK ONE) <input type="checkbox"/> inside <input type="checkbox"/> outside city limits 2 miles E of US 183, and 10 feet outside of the right of way line. (distance) (N,S,E,W) (centerline of nearest intersecting road)			
Is the proposed sign site located: (Please check the appropriate box to answer each question)			YES NO
in a manner that would create a safety hazard, for example, obstruct a driver's view of signals or merging traffic?			<input type="checkbox"/> <input checked="" type="checkbox"/>
at least 1,500 feet from any public park, public forest, public playground, or scenic area?			<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
at least 1,000 feet from interchanges, intersections at grade, or rest areas? (If proposed location is outside of city limits along interstate or freeway.)			<input checked="" type="checkbox"/> <input type="checkbox"/>
at least 1,000 feet from entry and exit ramps including acceleration and deceleration lanes? (If proposed location is outside of city limits along interstate or freeway.)			<input checked="" type="checkbox"/> <input type="checkbox"/>
at least five feet outside of the highway right of way line or right of way line projected across existing railroad or utility right of way?			<input checked="" type="checkbox"/> <input type="checkbox"/>
at least the required distances from other legally permitted signs on the same side of the highway, as indicated below?			<input checked="" type="checkbox"/> <input type="checkbox"/>
Distance sign is to be located from another permitted sign: (CHECK ONE) <input checked="" type="checkbox"/> 1,500 feet for a freeway primary or an interstate highway <input type="checkbox"/> 750 feet for a nonfreeway primary highway outside city limits <input type="checkbox"/> 300 feet for a nonfreeway federal aid primary highway inside city limits		NOTE: In general, a road designated as a freeway or Interstate has control of access to its main lanes.	
ACCESS: It is unlawful to erect, repair, or maintain a sign from the right of way of any highway. Please describe in the space provided your means of gaining access to the proposed sign site: Driveway of parking area located at 20003 IH-35. (Activity #1)			
Part IV - Unzoned Commercial/Industrial Qualifications			
You MUST complete this part of the application if your proposed sign site is located outside of the city limits, OR in an area not officially zoned by law. [NOTE: Some cities may not have zoning, therefore the unzoned commercial rules would apply.] Please print the required information for each commercial/industrial activity on page 2.	Answers to the questions below must be true for both activities, not just one.		YES NO
	Is the site within 800 feet of two adjacent recognized commercial/industrial activities?		<input checked="" type="checkbox"/> <input type="checkbox"/>
	Are these activities on the same side of the highway?		<input checked="" type="checkbox"/> <input type="checkbox"/>
	Is an integral part of each activity adjacent to one another?		<input checked="" type="checkbox"/> <input type="checkbox"/>
	Is the area predominantly used for residential purposes? (more than 50%)		<input type="checkbox"/> <input checked="" type="checkbox"/>

**Figure 6: Permit Application for Outdoor Advertising Sign,
Form ROW-OA4, Page 1 of 4**

Part IV - Unzoned Commercial/Industrial Qualifications (continued)		YES	NO
Applicant agrees, at the request of the Department, to arrange for the Department's inspection of the commercial activities during regular business hours.			
ACTIVITY 1	Is a principal part of each activity within 200 feet of the highway right of way line?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Company Name: Do It Yourself Hardware	Is each activity in a permanent building with an indoor restroom, telephone, running water, functioning electrical connections, adequate heating and permanent flooring?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Address: 20003 IH-35, Austin, TX 78700	Is at least 300 square feet of the building devoted to each activity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Is each activity visible from the main traveled traffic lanes of the regulated highway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Manager/Owner: John Henry	Is each activity conducted by human beings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Phone Number: 512-55-1982	Is each activity conducted at least 30 hours per week or 5 days per week?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Type of Activity: Retail	Has each activity been open for at least 90 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ACTIVITY 2	Note: if the yes box is checked for any of the following items, the area may not qualify as an unzoned commercial area.		
Company Name: Rent All	Is either one an agricultural, forestry, ranching, grazing, farming, or related activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Address: 20007 IH-35, Austin, TX 78700	Is either activity railroad right of way?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is either activity a recreational facility such as campground, golf course or wild animal park?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is either activity a preschool, school or college?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is either activity a church, synagogue or cemetery?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Manager/Owner: Jimmy Best	Is either activity an outdoor advertising sign?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Phone Number: 512-555-1943	Is either activity conducted in a building primarily used as a residence?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Type of Activity: Retail	Is either activity seasonal, that is, conducted only certain times of the year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is either activity a quarry or borrow pit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part V - Description of Sign				
<input checked="" type="checkbox"/> New Sign		<input type="checkbox"/> Existing Sign		
Number of Faces: 1	No. of Poles: 1	Estimated Date of Structure	Erection: September 22, 2003	Structure Material: <input type="checkbox"/> Wood <input checked="" type="checkbox"/> Metal
Dimensions of Face: Length: 42 feet Height: 14 feet Area: 588 sq. ft.	Type of Face: <input type="checkbox"/> Poster Panel <input checked="" type="checkbox"/> Painted Bulletin Board <input type="checkbox"/> Other	Design: <input type="checkbox"/> Back to Back <input type="checkbox"/> "V" Shaped <input type="checkbox"/> End to End <input type="checkbox"/> Stacked <input checked="" type="checkbox"/> Single	Type of Sign: <input type="checkbox"/> Solid Roof ft. above roof level <input type="checkbox"/> Open Roof ft. above roof level <input type="checkbox"/> Projecting ft. above grade <input checked="" type="checkbox"/> Ground Mounted	

Applicant certifies that:

1. The proposed structure will have an overall height of 42 1/2 feet above the average grade level of the ground adjacent to such structure;
2. The height above grade level of road, measured perpendicular from centerline of main traveled way is 42 1/2 feet and;
3. The proposed structure will withstand a wind load pressure of 25 pounds per square foot.

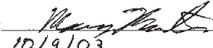
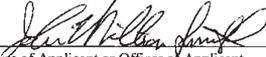
Part VI - Landowner Permission	
Landowner's Name: (please print) Mary Martin	As owner of the property at the proposed sign site, I have given consent to the applicant to erect and maintain the above described outdoor advertising sign on my property. I further authorize State employees to enter upon my land for the purpose of inspecting the sign. Signature:  Date: 10/9/03
Address: 20306 Cranberry Way, Austin TX 78700	
Phone Number: 512-555-1929	

Figure 7: Permit Application for Outdoor Advertising Sign,
 Form ROW-OA4, Page 2 of 4

Part VII - Required Attachments		
Please include these attachments with your application: 1. location map, 2. land plat, 3. sketch depicting means of access to sign and showing distances from buildings, landmarks, right of way line, other signs, etc., 4. zoning map (if inside city limits), 5. photo or sketch of sign showing all faces and advertising message, if available, and 6. legal description of proposed location if sign is to be erected inside city limits.		
Part VIII - City Zoning		
This part of the application MUST be completed by an authorized city official if the proposed sign location is within the boundaries of an incorporated city. The purpose of this section is to confirm the zoning of a proposed sign location.	Name of City: Austin, Texas	
	Official's Name & Title: Jack Black, City Manager	
	Address: 10 Main Street	
	Phone Number: 512-555-6783	
Does your city have a comprehensive zoning ordinance? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO What is the zoning designation of the location described in Part III, above:		
City Official's Signature: 	Date: <u>10/9/03</u>	Address of Property: 20003 IH-35
Part IX - Individual Acknowledgment		
BY:		
<u>JOHN MILTON SMITH</u> Full Name of Applicant (please print)	 Signature of Applicant or Officer of Applicant	
<u>OWNER</u> Title or Position (please print)	Signature of Applicant or Officer of Applicant	
State of Texas County of <u>TRAVIS</u>		
This instrument was acknowledged before me on <u>10/13/03</u>		
by <u>JOHN MILTON SMITH</u>		
		 Notary Public's Signature

**Figure 8: Permit Application for Outdoor Advertising Sign,
 Form ROW-OA-4, Page 3 of 4**

Part X - Corporate Acknowledgment	
BY:	
Full Name of Applicant (please print)	Signature of Applicant or Officer of Applicant
Title or Position (please print)	Signature of Applicant or Officer of Applicant
State of Texas County of _____	
This instrument was acknowledged before me on _____	
by _____	
of _____	
a _____ corporation, on behalf of said corporation.	
_____ Notary Public's Signature	
Part XI - Department Review	
Upon review of this application and the accompanying documents, it appears that the proposed sign is:	
<input type="checkbox"/> Conforming <input type="checkbox"/> Nonconforming	
<input type="checkbox"/> This permit is approved for the sign described above at the location specified in this application. This permit shall be valid for one year provided the sign is erected within that year and legally maintained in accordance with all applicable laws and regulations and the above agreement. Applicant must advise the district office when the sign has been built. Lighting may not be added or made more intense. The numbered permit plate issued herewith will be installed by applicant within 30 days after sign is erected; it must be securely fastened to the sign support structure nearest the highway so it is readily visible from the highway. This permit cannot be assigned or transferred without Department approval. Issuance of this permit shall not be deemed to create a property right.	
*Note: If sign is nonconforming, then approval is based on: <ul style="list-style-type: none"> <input type="checkbox"/> legal relocation of a sign. <input type="checkbox"/> transference of sign control to the State from a previously certified city. <input type="checkbox"/> existence of sign prior to State control. <input type="checkbox"/> other: _____ 	
<input type="checkbox"/> The above application for permit is denied because:	
Action By: _____ District: _____ Date: _____ <div style="text-align: center; font-size: small;">District Engineer or Designated Representative</div>	

**NOTE: If approved, this permit will expire one year after date of issuance, and must be renewed annually.
 A permit is not eligible for renewal if the sign has not been built.**

**Figure 6: Permit Application for Outdoor Advertising Sign,
 Form ROW-OA4, Page 4 of 4**

LIST OF COUNTIES BY NUMBER, NAME AND DISTRICT											
Co. No.	Co. Name	District	Co. No.	Co. Name	District	Co. No.	Co. Name	District	Co. No.	Co. Name	District
1	Anderson	TYL	33	Carson	AMA	65	Donley	CHS	97	Hall	CHS
2	Andrews	ODA	34	Cass	ATL	66	Kenedy	PHR	98	Hamilton	WAC
3	Angelina	LFK	35	Castro	LBB	67	Duval	LRD	99	Hansford	AMA
4	Aransas	CHP	36	Chambers	BMT	68	Eastland	BWD	100	Hardeman	CHS
5	Archer	WFS	37	Cherokee	TYL	69	Ector	ODA	101	Hardin	BMT
6	Armstrong	AMA	38	Childress	CHS	70	Edwards	SJT	102	Harris	HOU
7	Atascosa	SAT	39	Clay	WFS	71	Ellis	DAL	103	Harrison	ATL
8	Austin	YKM	40	Cochran	LBB	72	El Paso	ELP	104	Hartley	AMA
9	Bailey	LBB	41	Coke	SJT	73	Erath	FTW	105	Haskell	ABL
10	Bandera	SAT	42	Coleman	BWD	74	Falls	WAC	106	Hays	AUS
11	Bastrop	AUS	43	Collin	DAL	75	Fannin	PAR	107	Hemphill	AMA
12	Baylor	WFS	44	Collingsworth	CHS	76	Fayette	YKM	108	Henderson	TYL
13	Bee	CHP	45	Colorado	YKM	77	Fisher	ABL	109	Hidalgo	PHR
14	Bell	WAC	46	Comal	SAT	78	Floyd	LBB	110	Hill	WAC
15	Bexar	SAT	47	Comanche	BWD	79	Foard	CHS	111	Hockley	LBB
16	Blanco	AUS	48	Concho	SJT	80	Fort Bend	HOU	112	Hood	FTW
17	Borden	ABL	49	Cooke	WFS	81	Franklin	PAR	113	Hopkins	PAR
18	Bosque	WAC	50	Coryell	WAC	82	Freestone	BRY	114	Houston	LFK
19	Bowie	ATL	51	Cottle	CHS	83	Frio	SAT	115	Howard	ABL
20	Brazoria	HOU	52	Crane	ODA	84	Gaines	LBB	116	Hudspeth	ELP
21	Brazos	BRY	53	Crockett	SJT	85	Galveston	HOU	117	Hunt	PAR
22	Brewster	ELP	54	Crosby	LBB	86	Garza	LBB	118	Hutchinson	AMA
23	Briscoe	CHS	55	Culberson	ELP	87	Gillespie	AUS	119	Irion	SJT
24	Brooks	PHR	56	Dallam	AMA	88	Glasscock	SJT	120	Jack	FTW
25	Brown	BWD	57	Dallas	DAL	89	Goliad	CHP	121	Jackson	YKM
26	Burleson	BRY	58	Dawson	LBB	90	Gonzales	YKM	122	Jasper	BMT
27	Burnet	AUS	59	Deaf Smith	AMA	91	Gray	AMA	123	Jeff Davis	ELP
28	Caldwell	AUS	60	Delta	PAR	92	Grayson	PAR	124	Jefferson	BMT
29	Calhoun	YKM	61	Denton	DAL	93	Gregg	TYL	125	Jim Hogg	PHR
30	Callahan	ABL	62	De Witt	YKM	94	Grimes	BRY	126	Jim Wells	CHP
31	Cameron	PHR	63	Dickens	CHS	95	Guadalupe	SAT	127	Johnson	FTW
32	Camp	ATL	64	Dimmit	LRD	96	Hale	LBB	128	Jones	ABL

LIST OF COUNTIES BY NUMBER, NAME AND DISTRICT (CONTINUED)

Co. No.	Co. Name	District	Co. No.	Co. Name	District	Co. No.	Co. Name	District	Co. No.	Co. Name	District
129	Karnes	CHP	161	Mc Lennan	WAC	193	Real	SJT	225	Titus	ATL
130	Kaufman	DAL	162	Mc Mullen	SAT	194	Red River	PAR	226	Tom Green	SJT
131	Kendall	SAT	163	Medina	SAT	195	Reeves	ODA	227	Travis	AUS
132	Kent	ABL	164	Menard	SJT	196	Refugio	CHP	228	Trinity	LFK
133	Kerr	SAT	165	Midland	ODA	197	Roberts	AMA	229	Tyler	BMT
134	Kimble	SJT	166	Milam	BRY	198	Robertson	BRY	230	Upshur	ATL
135	King	CHS	167	Mills	BWD	199	Rockwall	DAL	231	Upton	ODA
136	Kinney	LRD	168	Mitchell	ABL	200	Runnels	SJT	232	Uvalde	SAT
137	Kleberg	CHP	169	Montague	WFS	201	Rusk	TYL	233	Val Verde	LRD
138	Knox	CHS	170	Montgomery	HOU	202	Sabine	LFK	234	Van Zandt	TYL
139	Lamar	PAR	171	Moore	AMA	203	San Augustine	LFK	235	Victoria	YKM
140	Lamb	LBB	172	Morris	ATL	204	San Jacinto	LFK	236	Walker	BRY
141	Lampasas	BWD	173	Motley	CHS	205	San Patricio	CHP	237	Waller	HOU
142	La Salle	LRD	174	Nacogdoches	LFK	206	San Saba	BWD	238	Ward	ODA
143	Lavaca	YKM	175	Navarro	DAL	207	Schleicher	SJT	239	Washington	BRY
144	Lee	AUS	176	Newton	BMT	208	Scurry	ABL	240	Webb	LRD
145	Leon	BRY	177	Nolan	ABL	209	Shackelford	ABL	241	Wharton	YKM
146	Liberty	BMT	178	Nueces	CHP	210	Shelby	LFK	242	Wheeler	CHS
147	Limestone	WAC	179	Ochiltree	AMA	211	Sherman	AMA	243	Wichita	WFS
148	Lipscomb	AMA	180	Oldham	AMA	212	Smith	TYL	244	Wilbarger	WFS
149	Live Oak	CHP	181	Orange	BMT	213	Somervell	FTW	245	Willacy	PHR
150	Llano	AUS	182	Palo Pinto	FTW	214	Starr	PHR	246	Williamson	AUS
151	Loving	ODA	183	Panola	ATL	215	Stephens	BWD	247	Wilson	SAT
152	Lubbock	LBB	184	Parker	FTW	216	Sterling	SJT	248	Winkler	ODA
153	Lynn	LBB	185	Parmer	LBB	217	Stonewall	ABL	249	Wise	FTW
154	Madison	BRY	186	Pecos	ODA	218	Sutton	SJT	250	Wood	TYL
155	Marion	ATL	187	Polk	LFK	219	Swisher	LBB	251	Yoakum	LBB
156	Martin	ODA	188	Potter	AMA	220	Tarrant	FTW	252	Young	WFS
157	Mason	AUS	189	Presidio	ELP	221	Taylor	ABL	253	Zapata	PHR
158	Matagorda	YKM	190	Rains	PAR	222	Terrell	ODA	254	Zavala	LRD
159	Maverick	LRD	191	Randall	AMA	223	Terry	LBB			
160	Mc Culloch	BWD	192	Reagan	SJT	224	Throckmorton	WFS			

CERTIFIED CITIES BY DISTRICT

Paris District (1)	Waco District (9)	Corpus Christi District (16)
Denison	Northcrest	Corpus Christi
Toco	Waco	Portland
Fort Worth District (2)	Tyler District (10)	Bryan District (17)
Arlington	Tyler	(None)
Bedford	Lufkin District (11)	Dallas District (18)
Burleson	(None)	Corinth
Fort Worth	Houston District (12)	Dallas
Grand Prairie	Bellaire	Denton
Grapevine	Deer Park	DeSoto
Haltom City	Hedwig Village	Duncanville
Hudson Oaks	Hilshire Village	Farmer's Branch
Hurst	Houston	Grand Prairie
Lakeside	Lake Jackson	Highland Park
Mansfield	Pasadena	Irving
Richland Hills	Seabrook	Mesquite
Southlake	Shoreacres	Plano
Watauga	Spring Valley	Richardson
Westlake	Yoakum District (13)	University Park
White Settlement	Victoria	Westlake
Wichita Falls District (3)	Austin District (14)	Atlanta District (19)
Gainesville	Sunset Valley	(None)
Amarillo District (4)	San Antonio District (15)	Beaumont District (20)
(None)	Balcones Heights	(None)
Lubbock District (5)	Boerne	Pharr District (21)
Erath	Castle Hills	(None)
Odessa District (6)	Hollywood Park	Laredo District (22)
Pecos City	Leon Valley	(None)
Toyah	Live Oak	Brownwood District (23)
San Angelo District (7)	Uvalde	(None)
(None)	Windcrest	El Paso District (24)
Abilene District (8)		El Paso
Putnam		Childress District (25)
		(None)

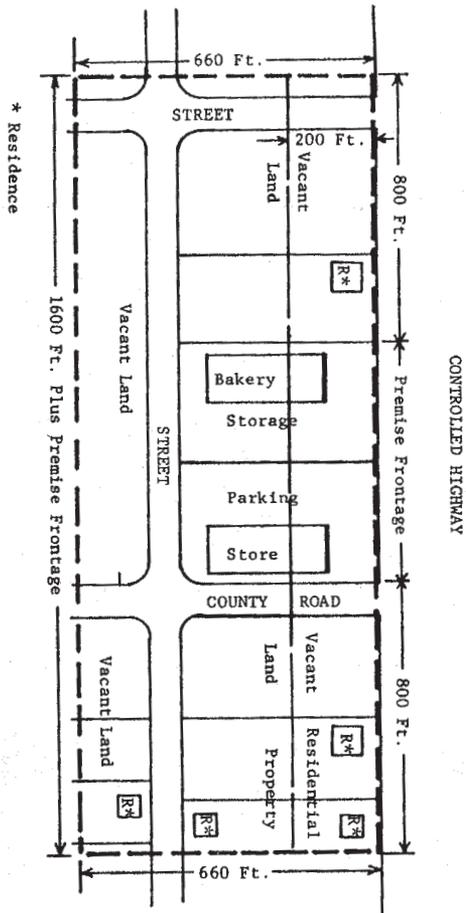


Figure 9: Example Of An Unzoned Commercial Area

1. Area is not zoned.
 2. Some portion of the permanent buildings and/or the regularly used parking lots, storage or processing areas must be located within 200 feet of the right of way of the regulated highway.
 3. The building where the activity is conducted must be visible from the main travel lanes.
 4. Length of this unzoned commercial area is 1,600 feet plus premise frontage.
 5. Depth of the unzoned commercial area is 660 feet.
 6. The area devoted to residential use, including a proportional part of streets and roads, is less than one-half of the total area. (If more than one-half of the area is residential, the area is not an unzoned commercial area.)
- To be used with interstate and primary advertising sign programs, only.

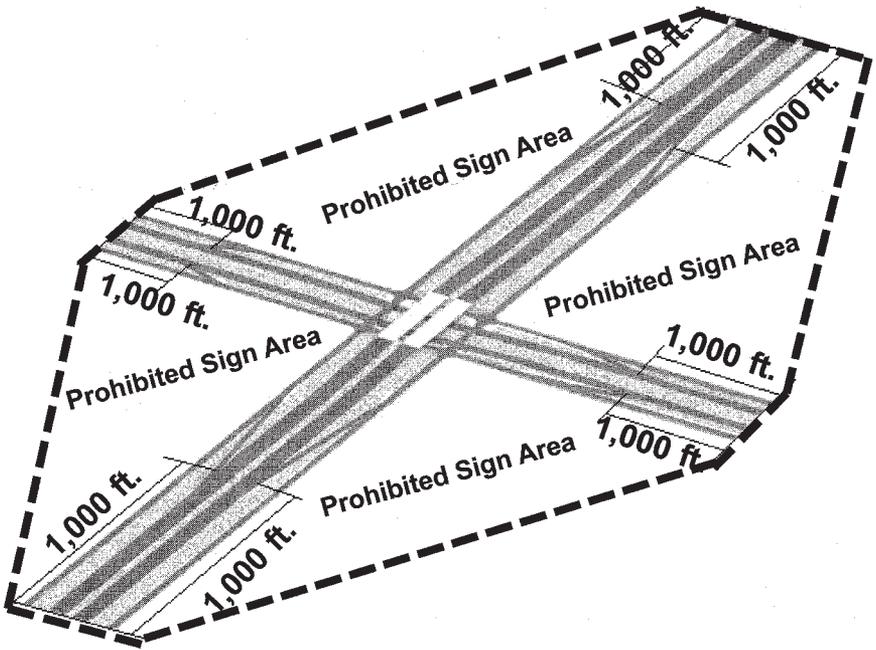


Figure 10: Typical Interchanges Showing Ramps and Connecting Roadways
(The area enclosed by the dotted lines is a prohibited sign area.)

PART II: CONTROL OF OUTDOOR ADVERTISING SIGNS ALONG RURAL ROADS

(Pursuant to the Rural Road Act, Transportation Code, Chap. 394)

DEFINITIONS

Rural Road: A road, street, way, highway, thoroughfare, or bridge that is located in an unincorporated area and that is not privately owned or controlled, any part of which is open to the public for vehicular traffic, and over which the State or any of its political subdivisions have jurisdiction.

Off-Premise Sign: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

On-Premise Sign: A freestanding sign identifying or advertising a business, person or activity, and installed and maintained on the same premises as the business, person or activity.

Small Business: A legal entity, including a corporation, partnership or sole proprietorship that:

- is formed for the sole purpose of making a profit;
- is independently owned and operated;
- is not a publicly held corporation; and
- has fewer than 100 employees or less than \$1 million in annual gross receipts in a fiscal year.

CONTROLLED SIGNS

TxDOT controls signs erected along all highways and roads located outside of the extraterritorial jurisdiction (ETJ) of a municipality. A municipality may allow State regulation of signs in its ETJ by filing a written notice with TxDOT. The control extends to any sign visible from the main traveled way of a rural road, unless the sign is exempt.

SIGN PERMITS

Before erecting or maintaining an outdoor advertising sign, other than an exempt sign, outside the corporate limits and, where applicable, ETJ of a city, the sign owner should apply for a permit from TxDOT's District office which serves the county where the sign will be erected or maintained. A permit application should be submitted for each sign. Forms are available from TxDOT's District offices. No sign may be lawfully erected unless a permit has been obtained.

It is not necessary to have an Outdoor Advertising License to obtain a Rural Road Permit.

STATE RURAL ROAD SIGN PERMITS

The *Permit Application for Proposed Rural Road Sign, Form ROW-OA-RR4*, must:

- be completed in the **full** name of each owner of the sign, or if the applicant is a corporation, in the **exact** name on file with the Office of the Texas Secretary of State;
- clearly show the location of the sign and all other items required by the application;
- be signed by **each** individual applicant, **or** by a corporate officer if the applicant is a corporation, and notarized; and
- be accompanied by a **nonrefundable** permit fee of \$96.00 made payable to the State of Texas. If the check or money order is not honored upon presentment, the permit will be voided.

When a permit is approved, a copy will be returned to the applicant. The copy will show the assigned permit number. Within 30 days after the sign is erected, the sign owner must display the permit number on the edge of the sign nearest the roadway. The number must be legible in numerals with a minimum height of two (2) inches and a minimum width of one (1) inch. Issuance of a permit shall not be deemed to create a property right in the permittee.

DURATION OF STATE RURAL ROAD SIGN PERMITS

A permit issued or renewed is valid only for (1) the location indicated, and (2) the sign described on the original permit application. A permit is valid for one year, provided the sign is erected and maintained in accordance with the law and all applicable rules. A permit holder may voluntarily cancel a permit. The permit may be revoked if the permittee:

- violates any provision or requirement of the Rural Road Act; or
- violates a rule adopted by the Commission under the Rural Road Act.

Sign permits must be renewed each year on the anniversary date of issuance. Permits that are not renewed will automatically expire. To renew the permit, the permit holder must:

- complete a *Permit Renewal Application for Rural Road Signs, Form ROW-OA-RR22*;
- submit a **nonrefundable** renewal fee of \$40.00 made payable to the State of Texas; and
- file the completed submission with the District office serving the county in which the sign is located.

If the check or money order is not honored upon presentment, the permit renewal will be voided.

TRANSFER OF STATE RURAL ROAD SIGN PERMITS

State sign permits cannot be transferred without TxDOT approval; only valid permits may be transferred.

In requesting transfer of a valid sign permit, the following actions must be taken:

1. An *Application for Transfer of Rural Road Sign Permits, Form ROW-OA-RR16*, must be completed, signed by the seller and the buyer, and notarized. If either party is a corporation, the application must be signed by a corporate officer.
2. A **nonrefundable** transfer fee of \$25.00 **per transferred permit** must be submitted. The fee should be made payable to the State of Texas and may be paid by either the seller or the buyer. If the check or money order is not honored upon presentment, the transfer will be voided.
3. The completed submission should be filed with the District office serving the county in which the sign is located.

DURATION OF STATE RURAL ROAD SIGN REGISTRATIONS

Signs erected prior to September 1, 1985, other than exempt signs, were required to be registered no later than December 30, 1985. The sign registration is valid only for the location indicated on the original registration application and only for the sign described on that application. A sign registration renewal may be prepaid for up to five years. Sign registrations must be renewed on or before January 1 of the year of expiration. The registration will automatically terminate if:

- the sign is removed for any reason other than to remove the face to change the advertising; or
- the registration is not renewed; or
- the sign is replaced with another structure.

A valid sign registration may be renewed before it terminates. To renew the registration, the holder must:

- file the written request to renew the registration with the District office serving the county in which the sign is located; and
- submit a **nonrefundable** renewal fee of \$10.00 made payable to the State of Texas.

If the check or money order is not honored upon presentment, the registration renewal will be voided.

TRANSFER OF STATE RURAL ROAD SIGN REGISTRATIONS

State sign registrations cannot be transferred without TxDOT approval; only valid registrations may be transferred. In requesting transfer of a valid sign registration:

1. An *Application for Transfer of Rural Road Sign Registrations, Form ROW-OA-RR15*, must be completed, signed by the seller and the buyer, and notarized. If either party is a corporation, the application must be signed by a corporate officer.

2. A **nonrefundable** transfer fee of \$25.00 **per transferred registration** must be submitted. The fee should be made payable to the State of Texas and may be paid by either the seller or the new owner. If the check or money order is not honored upon presentment, the transfer will be voided.
3. The completed submission should be filed with the District office serving the county in which the sign is located.

EXEMPT SIGNS

The following types of signs may be erected or maintained without a *State Rural Road Sign Permit*:

1. Signs allowed under the Texas Highway Beautification Act, V.T.C.A. Transportation Code, Chapter 391. (See **Part I** of this booklet for information pertaining to signs along interstate or primary highways.)
2. Signs in existence before September 1, 1985, provided the sign has a valid sign registration.
3. Signs erected for the protection of life or property.
4. Directional or other official signs authorized by law, including signs pertaining to natural wonders and scenic or historic attractions.
5. Signs or markers giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers or waterlines.
6. Signs erected by a governmental entity.
7. Signs erected solely for and relating to public elections if:
 - the sign is on private property;
 - the sign is erected no sooner than the 90th day before the election and is removed no later than the 10th day after the election;
 - the sign is constructed of lightweight material;
 - the surface is not larger than 50 square feet.
8. On-premise and off-premise signs on private property that are no larger than eight (8) square feet.
9. Off-premise signs on private property that are no larger than 32 square feet and show only the name of a place or activity and directions to the place or activity.
10. Off-premise signs on private property which are no larger than 50 square feet, advertising the name of a small business and directions to same.
11. Signs required by the Texas Railroad Commission at the principal entrance to oil or gas producing property, subject to certain restrictions.
12. Signs owned by a Chamber of Commerce organization which are no larger than 150 square feet, if the message is limited to public service information, does not mention any specific person, service or product, and if the sign is

located within the ETJ of the city supported by the organization, or within the county in the case of a county Chamber of Commerce organization.

13. Off-premise portable signs in the unincorporated area of a county with a population of 2.4 million or more, according to the most recent federal census, provided such county is either prohibiting such signs or is regulating the location, height, size, anchoring, or use of such portable signs.
14. Signs in the extraterritorial jurisdiction of a municipality, unless the municipality allows the Commission to regulate outdoor signs in the municipality's extraterritorial jurisdiction by filing a written notice with the Commission.
15. On-premise signs in the unincorporated area of a county with a population of more than 2.4 million, or of a county that borders a county with that population, if such a county has adopted an ordinance to regulate on-premise signs. In lieu of adopting an ordinance, a Commissioners Court of the county, by order, may allow the Commission to regulate on-premise signs in the unincorporated area of the county in accordance with a municipal or county regulation.

The following types of signs are exempt from requirements related to face restrictions:

- signs advertising the sale or lease of property on which they are located, and;
- on-premise wall signs.

PROHIBITED SIGNS

The following types of signs are prohibited:

1. Signs which imitate or resemble any official traffic sign, signal or device.
2. Signs that are attached to, maintained, painted or drawn upon trees, rocks or other natural features.
3. Signs that do not comply with the rules adopted by the Texas Transportation Commission.
4. Signs within the right of way of a rural road or what would be the right of way if the right of way boundary lines were projected across a railroad, utility or road right of way.

SIGN STANDARDS

The following standards apply to signs controlled by the State along rural roads that are not otherwise exempt.

LOCATION

Written permission must be obtained from the landowner before erecting a sign on private property. All signs, except on-premise signs, must be located within 800

feet of at least **one** adjacent recognized commercial or industrial activity or the office of a governmental entity. The commercial or industrial activity or office building must be located on the same side of the road as the sign. The commercial or industrial activity must be located within 200 feet of the road right of way. The following activities do not qualify as commercial or industrial activities:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming and related activities.
3. Activities not housed in a permanent building or structure having functioning water, sewage and electrical connections.
4. Activities conducted in a building primarily used as a residence.
5. Railroad right of way.
6. Activities that are not within 200 feet of the edge of the right of way.
7. Seasonal activities or activities not conducted at least 30 hours per week or 5 days per week.
8. Activities conducted in a building that has less than 300 square feet of floor space devoted to such activities.
9. Activities not conducted by human beings (for example, automatic teller machines).
10. Activities which have not existed for at least 90 days.

FACE RESTRICTIONS

1. The maximum area for an on-premise sign, other than an on-premise wall sign, is 400 square feet, including cutouts, but excluding uprights, trim and apron.
2. The maximum area for an off-premise sign is 672 square feet, excluding uprights, base, trim and apron, with a maximum length of 60 feet and a maximum height of 25 feet.
3. Neither an on-premise sign face nor an off-premise sign face may have a cutout with an area larger than 20 percent of the surface copy area of the sign face.
4. No sign may have more than two faces fronting a particular direction of travel on the main traveled way.
5. Signs may not be placed back-to-back or in a V-type configuration with more than one face fronting a particular direction of travel.
6. Faces consisting of commercial electronic variable message signs (CEVMS) - otherwise referred to as rotating slat signs or tri-vision signs - may be used, provided that the rotation is completed within one second and the message is stationary for at least 10 seconds following a rotation.
7. Each face area of a double-faced, back-to-back, or V-type sign is considered to be a separate sign for the purpose of computing the face area.

HEIGHT

1. The maximum overall height is 42-1/2 feet, excluding cutouts extending above the rectangular border, measured from the highest point of the sign to the grade level of the roadway from which the sign is to be viewed.

2. The maximum height of an open roof sign having a tight or solid surface is 24 feet above the roof level.
3. The maximum height of an open roof sign, in which the uniform open area is not less than 40% of the total gross area, is 40 feet above the roof level.
4. The lowest point of a projecting sign must be at least 14 feet above grade.

SPACING

1. An off-premise sign with a face area of 301 square feet or more may not be closer than 1,500 feet to another off-premise sign on the same side of the roadway.
2. An off-premise sign with a face area of at least 100 square feet but less than 301 square feet may not be closer than 500 feet to another off-premise sign on the same side of the roadway.
3. An off-premise sign with a face area of less than 100 square feet may not be closer than 150 feet to another off-premise sign on the same side of the roadway.
4. The above spacing rules do not apply to signs located at the same intersection, provided (1) they are located so their messages are directed towards traffic flowing in different directions, and (2) they are not visible from the main traveled way of an interstate or primary highway.
5. Off-premise signs may not be erected within 5 feet of any rural road right of way.
6. Signs may not be located in such a manner as to:
 - create a safety hazard;
 - obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device;
 - obstruct or interfere with the driver's view of approaching, merging or intersecting traffic; or
 - be likely to cause a driver to be unduly distracted in any way.
7. For spacing purposes, multiple faced off-premise signs under common ownership, whether double-faced, back-to-back, or of V-type construction, shall be considered to be one sign provided they are either:
 - physically contiguous;
 - connected by the same structure or by cross-bracing; or
 - located in close proximity to each other, but in no event more than 15 feet apart at their nearest point.

LIGHTING

Signs may be illuminated, subject to the following restrictions:

1. Signs that contain, include or are illuminated by any flashing, intermittent or moving light or lights, are prohibited, except those giving only public service information such as time, date, temperature, weather or similar information.
2. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal.

WIND LOAD PRESSURE

Signs, other than exempt signs, must meet the wind load pressure requirements set out in Table 2. The sign owner must certify that a sign of six (6) feet, or more, in height, will withstand wind load pressures in pounds per square foot as set out in Table 2 below.

Height, in feet above ground, as measured above the average level of the ground adjacent to the structure	Pressure, pounds per square foot
0 - 5	0
6 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

Table 2: Wind Load Pressure in Pounds Per Square Foot

REPAIR AND MAINTENANCE

Signs should be kept in good repair. Sign facings may be removed and replaced or repainted. Each of the following actions requires a new permit:

1. Enlarging a sign more than 10% of the size shown on the existing permit. No enlarged sign may have an area greater than 672 square feet.
2. Adding lighting or making existing lighting more intense.
3. Converting an off-premise sign from a multiple-pole structure to a monopole structure.

4. Repairing a sign structure at a cost in excess of 50% of the cost of erecting a new sign of the same type at the same location.
5. Displaying new advertising matter on a sign that for a continuous period of 365 days has either, (i) displayed obsolete advertising matter, or (2) has not displayed any message.

If the sign is nonconforming, a new sign permit cannot be issued.

No person may erect, repair or maintain a sign while that person or the equipment being used is on the highway right of way.

ON-PREMISE SIGNS

On-premise signs do not require a permit, However, they are subject to rules pertaining to size, height and lighting, and a business may not maintain more than five (5) on-premise signs along each frontage on a single rural road at a single business location. Also, any proposed sign structure of six (6) feet or more in height must be able to withstand wind load pressures in pounds per square foot as set out in the Wind Load Pressure Table (Table 2, previous page).

ON-PREMISE SIGN ERECTORS

Any person or firm engaged primarily in the business of erecting signs that advertise companies located or products sold on the premises on which the signs are erected must file with the Director of the Right of Way Division, an *On-Premise Sign Bond, Form ROW-OA-RR2*, in the amount of at least \$100,000.00. Such bond must be kept in force as long as that person or firm remains primarily engaged in such business.

In the event a person files with the Director of the Right of Way Division an affidavit to the effect that such person is not engaged primarily in the business of erecting on-premise signs, the statement in such affidavit shall be accepted as fact until probative evidence to the contrary has been received by the Director of the Right of Way Division.

BOARD OF VARIANCE

A board of variance shall meet and consider appeals from actions taken under Transportation Code, Chapter 394, or any of TxDOT's rules thereunder. The applicant will be given at least 10 days notice of the time and place of the meeting and will be afforded the opportunity to present evidence regarding the application.

The board of variance may make minor exceptions to the Commission rules in those instances in which a substantial injustice would result unless the minor

exceptions were granted in appropriate cases and subject to appropriate conditions and safeguards.

Any permit issued pursuant to a variance shall be subject to a fee of \$1,000.00.

ENFORCEMENT

ADMINISTRATIVE HEARING

If a sign permit is canceled, the holder of the permit will have an opportunity to request an administrative hearing.

REMOVAL OF SIGN

Upon written notification by a District Engineer of TxDOT, any off-premise sign, other than an exempt sign, erected on or after September 1, 1985, must be removed if:

- the sign was erected or maintained without a permit;
- the permit is not renewed; or
- the permit is revoked by the Director of Right of Way.

Signs erected prior to September 1, 1985, must be removed if the registration is not kept renewed.

PENALTIES FOR VIOLATIONS

Any person who intentionally violates the Rural Road Act, Texas Transportation Code, Chapter 394, or any of TxDOT's rules thereunder, is liable to the State for a civil penalty of not less than \$150.00 nor more than \$1,000.00. A separate penalty may be collected for each day on which a continuing violation occurs.

In lieu of a suit to collect a civil penalty, the Texas Transportation Commission, after notice and an opportunity for a hearing before the Commission, may impose an administrative penalty against a person who intentionally violates the Rural Road Act or a rule adopted by the Commission. Each day a violation continues is considered a separate violation. The amount of the administrative penalty may not exceed the maximum amount of a civil penalty.

**ADDRESSES AND TELEPHONE NUMBERS FOR
 TxDOT DISTRICT OFFICES AND
 AUSTIN RIGHT OF WAY DIVISION
 FOR OUTDOOR ADVERTISING LICENSE
 AND SIGN PERMIT INFORMATION**

Dist.	Location	Phone No.	Street Address	Mailing Address	Zip Code
1	Paris	903-737-9302	1365 N. Main Street	Same	75460
2	Fort Worth	817-370-6697	2501 SW Loop 820	P.O. Box 6868	76115-0868
3	Wichita Falls	940-720-7763	1601 Southwest Prkwy.	Same	76302-4906
4	Amarillo	806-356-3384	5715 Canyon Drive	P.O. Box 2708	79105-2708
5	Lubbock	806-748-4415	135 Slaton Highway	P.O. Box 771	79408-0771
6	Odessa	432-498-4733	3901 East Highway 80	Same	79761
7	San Angelo	325-947-9242	4502 Knickerbocker Rd.	Same	76906
8	Abilene	325-676-6831	4250 North Clack	P.O. Box 150	79604-0150
9	Waco	254-867-2751	100 South Loop Drive	Same	76704-2858
10	Tyler	903-510-9139	2709 W. Front Street	Same	75702
11	Lufkin	936-633-4323	1805 N. Timberland Dr.	Same	75901
12	Houston	713-802-5772	7721 Washington Ave.	P.O. Box 1386	77251-1386
13	Yoakum	361-293-4383	403 Huck Street	P.O. Box 757	77995-0757

**ADDRESSES AND TELEPHONE NUMBERS FOR
 TxDOT DISTRICT OFFICES AND
 AUSTIN RIGHT OF WAY DIVISION
 FOR OUTDOOR ADVERTISING LICENSE
 AND SIGN PERMIT INFORMATION
 (continued)**

Dist.	Location	Phone No.	Street Address	Mailing Address	Zip Code
14	Austin	512-832-7225	7901 North IH-35	P.O. Drawer 15426	78761-5426
15	San Antonio	210-615-6235	4615 NW Loop 410	P.O. Box 29928	78229-0928
16	Corpus Christi	361-808-2207	1701 So. Padre Island Drive	P.O. Box 9907	78469-9907
17	Bryan	979-778-9725	1300 North Texas Ave.	Same	77803
18	Dallas	214-320-6256	4777 E. Highway 80 Mesquite, TX 75150-6643	P. O. Box 133067, Dallas, Texas	75313-3067
19	Atlanta	903-799-1319	701 E. Main	Same	75551
20	Beaumont	409-898-5727	8350 Eastex Freeway (U. S. 69)	Same	77708
21	Pharr	956-702-6177	600 W. U.S. 83 Expressway	P.O. Drawer EE	78577-1231
22	Laredo	956-712-7461	1817 Bob Bullock Lp.	Same	78043
23	Brownwood	325-643-0458	2495 Highway 183 N.	Same	76802
24	El Paso	915-790-4484	13301 Gateway Blvd. West	Same	79928-5410
25	Childress	940-937-7124	7599 U.S. 287	Same	79201-0900
*	Austin ROW Division	512-416-2901	118 E. Riverside Dr. Austin, Texas	P. O. Box 5075	78763-5075

NOTES

NOTES

Important Note:

**This booklet is offered
for general information
and illustrative purposes only.**

**It is not a document of law
nor a statement of TxDOT policy,
and may not be relied upon as such.**

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(Previous Versions Obsolete)