

BILL ANALYSIS

C.S.H.B. 1039
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The National Scenic Byways Program was established in 1989 to facilitate conservation of intrinsic landscape qualities and to stimulate local economic development through tourism. The Program requires a corridor management plan for each byway and offers various forms of technical assistance provided by the National Scenic Byways Organization. A scenic program would offer some potential benefits in terms of landscape preservation and economic development assistance. Rural tourism in particular could provide economic benefits to communities in the area.

The proposed legislation requires the Texas Department of Transportation (TxDOT) to plan, design and establish a program for designating highways as State Scenic Byways. In addition, TxDOT shall develop grant projects and apply for funding under 23 U.S.C., Section 162 for the grant projects. The grant funds could be used for a number of eligible projects such as construction of a byway facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facilities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 1 (391.256 (e), Transportation Code) of this bill.

ANALYSIS

SECTION 1.

Gives TxDOT the authority to plan, design and establish a Scenic Byways Program. Gives TxDOT the authority to grant funding according to 23 U.S.C. 162 for State Scenic byways, National Scenic Byways or All-American Roads and allows them to apply for funding under the same code. The Department may prohibit outdoor advertising according to 23 U.S.C. Section 131(s). The Department may not use money from the state highway fund for the Scenic Byways Program. The Department shall adopt rules to implement this section.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original in that the substitute gives TxDOT the authority to prohibit new billboards along a State Scenic Byway, National Scenic Byway or an All-American Road. The substitute additionally differs from the original in that the substitute prohibits for funds from the state highway fund (Fund 6) to be used for the Scenic Byway Program. Finally, the substitute, unlike the original, would grant TxDOT rulemaking authority to implement the Scenic Byways Program.

