

By: Deshotel, Cook of Colorado

H.B. No. 2239

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of a state scenic byways program.

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

SECTION 1. Chapter 201, Transportation Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. SCENIC BYWAYS

Sec. 201.981. SCENIC BYWAYS PROGRAM. (a) The department, in coordination with the Texas Historical Commission and the Department of Parks and Wildlife's Texas Trails System, shall plan, design, and establish a program for designating highways as State Scenic Byways.

(b) The program must include a process by which the department:

(1) receives proposals from political subdivisions or other community groups approved by the department for funding projects in accordance with 23 U.S.C. Section 162;

(2) applies for grants under 23 U.S.C. Section 162 for the projects;

(3) allows an applicant who consents to pay for the costs of the projects that are not covered by grants made under 23 U.S.C. Section 162;

(4) excludes from designation a highway or a segment of a highway that no longer meets the criteria established by the department for designation as a State Scenic Byway; and

1           (5) excludes from designation as a State Scenic Byway  
2 any segment of a highway that:

3           (A) is adjacent to land zoned as commercial or  
4 industrial;

5           (B) does not have the scenic, historic, cultural,  
6 natural, recreational, or archaeological qualities for which the  
7 highway as a whole is being designated; and

8           (C) is not requested to be excluded from  
9 designation for the sole purpose of allowing outdoor advertising as  
10 determined by the department.

11           (c) The department shall designate a highway as a State  
12 Scenic Byway under the program established by this section before  
13 the department applies for a grant under Subsection (b)(2) for a  
14 project related to the highway.

15           (d) The department may use money from the state highway fund  
16 to pay for the costs of a project that are not covered by a grant  
17 made under 23 U.S.C. Section 162.

18           (e) The department shall adopt rules to implement this  
19 section.

20           Sec. 201.982. REGULATION OF OUTDOOR ADVERTISING. (a)  
21 Except as provided by Subsection (b), the commission by rule shall  
22 prohibit outdoor advertising in a manner consistent with 23 U.S.C.  
23 Section 131(s) on a State Scenic Byway designated under Section  
24 201.981.

25           (b) A rule adopted under Subsection (a) may not apply to  
26 outdoor advertising permitted under 23 U.S.C. Section 131.

27           Sec. 201.983. NOTICE AND EXCLUSION. (a) Not later than one

1 year before the date the department designates a state highway as a  
2 State Scenic Byway under Section 201.981, the department shall:

3 (1) publish in a newspaper with general circulation in  
4 each county in which the state highway is located notice of the  
5 highway's proposed designation; and

6 (2) notify the county clerk of each county in which the  
7 state highway is located of the highway's proposed designation.

8 (b) On notification under Subsection (a), the county clerk  
9 shall send by United States mail a written notice to each landowner  
10 who owns real property along the state highway according to the most  
11 recent certified tax appraisal roll. The notice must:

12 (1) be mailed before the 15th day after the date the  
13 clerk was notified;

14 (2) state that the highway is to be designated as a  
15 State Scenic Byway; and

16 (3) inform the landowner of the restrictions imposed  
17 by Section 201.982.

18 (c) A landowner to whom notice is mailed under Subsection  
19 (b) may exclude the landowner's property from designation as a  
20 scenic byway under Section 201.981 by notifying the department by  
21 certified mail of the landowner's objection to the designation  
22 before the 30th day before the date the department designates the  
23 highway. The landowner's property is excluded from designation as a  
24 scenic byway on the date the landowner's notice is received by the  
25 department.

26 SECTION 2. Section 391.068(a), Transportation Code, is  
27 amended to read as follows:

1 (a) Except as provided by Subchapter P, Chapter 201, the  
2 [~~The~~] commission shall issue a permit to a person with a license  
3 issued under this subchapter:

4 (1) whose license application complies with rules  
5 adopted under Section 391.065; and

6 (2) whose outdoor advertising, whether owned or  
7 leased, if erected would comply with this chapter and rules adopted  
8 under Section 391.032(a).

9 SECTION 3. Section 394.022, Transportation Code, is amended  
10 to read as follows:

11 Sec. 394.022. ISSUANCE OF PERMIT. Except as provided by  
12 Subchapter P, Chapter 201, the [~~The~~] commission shall issue a  
13 permit to a person whose application complies with commission rule  
14 and whose sign, if erected, would comply with the requirements of  
15 this chapter.

16 SECTION 4. This Act takes effect September 1, 2007.