

By: Deshotel

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. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.038 to read as follows:

Sec. 391.038. REGULATION OF OUTDOOR ADVERTISING ON CERTAIN HIGHWAYS. (a) Except as provided by Subsection (b), the commission by rule shall prohibit outdoor advertising in a manner consistent with 23 U.S.C. Section 131(s) on a State Scenic Byway designated under Section 391.256.

(b) A rule adopted under Subsection (a) may not apply to outdoor advertising:

(1) permitted under Section 391.031(b)(1); or

(2) required to be relocated by an improvement to the state highway system if the advertising was erected before the highway was designated a State Scenic Byway under Section 391.256.

SECTION 2. Subchapter I, Chapter 391, Transportation Code, is amended by adding Section 391.256 to read as follows:

Sec. 391.256. SCENIC BYWAYS PROGRAM. (a) The department 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

1 other community groups approved by the department for funding  
2 projects in accordance with 23 U.S.C. Section 162;

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

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

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

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

13 (A) is adjacent to land zoned as commercial or  
14 industrial;

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

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

21 (c) The department shall designate a highway as a State  
22 Scenic Byway under the program established by this section before  
23 the department applies for a grant under Subsection (b)(2) for a  
24 project related to the highway.

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

1           (e) The department shall adopt rules to implement this  
2 section.

3           SECTION 3. This Act takes effect September 1, 2007.