

By: Seliger

S.B. No. 1346

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. Section 391.252, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The highways and roads listed under Subsection (a) are designated as Texas Scenic Byways.

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

SUBCHAPTER J. TEXAS SCENIC BYWAYS

Sec. 391.291. TEXAS SCENIC BYWAYS PROGRAM. (a) The department shall plan, design, and establish a program for designating highways as Texas Scenic Byways.

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

(1) develops grant projects in accordance with 23 U.S.C. Section 162 for highways designated as Texas Scenic Byways, National Scenic Byways, or All-American Roads;

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

(3) 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 Texas Scenic Byway; and

(4) excludes from designation as a Texas Scenic Byway,

1 except to the extent necessary to preserve system continuity in  
2 relation to signage or mapping, any segment of a highway that:

3 (A) is adjacent to land zoned as commercial or  
4 industrial and does not have the scenic, historic, cultural,  
5 natural, recreational, or archaeological qualities for which the  
6 highway as a whole is being designated; or

7 (B) is located in an unincorporated area in which  
8 three or more permanent commercial or industrial structures are  
9 located.

10 (c) The department shall adopt rules to implement this  
11 section.

12 Sec. 391.292. DEVELOPMENT OF GRANT PROJECTS. In developing  
13 grant projects for designated highways under Section 391.291, the  
14 department shall consider:

15 (1) the extent of the scenic, historic, cultural,  
16 natural, recreational, and archeological characteristics of the  
17 proposed byway;

18 (2) the impact of the proposed project on private  
19 property rights along the byway;

20 (3) the proximity of the beginning and ending points  
21 of the byway to a four-lane principal arterial road;

22 (4) the potential effectiveness of the route to draw a  
23 varied audience and a sufficient number of travelers to justify  
24 designation as a Texas Scenic Byway;

25 (5) the proximity of recreational opportunities to the  
26 byway;

27 (6) methods to be used to inform travelers of the

1 byway's attractions;

2 (7) the suitability of road conditions to make  
3 attractions accessible to travelers year-round;

4 (8) local commitment to make designation of the byway  
5 successful;

6 (9) road improvement and maintenance costs required to  
7 maintain the route as a Texas Scenic Byway;

8 (10) opportunities to further develop tourist  
9 attractions along the byway; and

10 (11) whether there are adequate accommodations for  
11 travelers along the byway route.

12 Sec. 391.293. PROMOTION OF TEXAS SCENIC BYWAYS. (a) The  
13 department may erect appropriate signs along highways or sections  
14 of highways indicating designation as a Texas Scenic Byway.

15 (b) The department may identify a designated highway as a  
16 Texas Scenic Byway on an official state highway map prepared and  
17 distributed by the department.

18 (c) The department shall design an official Texas Scenic  
19 Byways logo.

20 Sec. 391.294. OFF-PREMISE SIGNS PROHIBITED. (a) In this  
21 section, "off-premise sign" has the meaning assigned by Section  
22 391.251.

23 (b) A person may not erect an off-premise sign along a  
24 highway or a section of a highway designated as a Texas Scenic  
25 Byway. This subsection applies only to an off-premise sign that is  
26 erected on or after September 1, 2007.

27 (c) Subsection (b) does not apply to a highway described by

1 Sections 391.291(b)(3) and (4).

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