

BILL ANALYSIS

C.S.H.B. 1908
By: Morales, Eddie
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas is the only state without a scenic byways program, resulting in missed opportunities for funding for local communities and organizations that could be used for tourism purposes such as welcome centers, pamphlets and materials about the community, and beautification efforts. It has been suggested that the creation of a scenic byways program in Texas would benefit local communities and beautification efforts across the state. C.S.H.B. 1908 seeks to remedy this situation by providing for the adoption of a state scenic byways program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1908 amends the Transportation Code to require the Texas Department of Transportation (TxDOT), not later than December 1, 2021, to plan, design, and establish a program for designating highways as State Scenic Byways. The program must include a process by which TxDOT does the following:

- receives proposals from political subdivisions or other community groups approved by TxDOT for funding projects in accordance with federal law governing the National Scenic Byways Program;
- applies for certain federal grants for the projects; and
- allows an applicant who consents to pay for the costs of the projects that are not covered by the federal grants.

A highway must be designated as a State Scenic Byway under the program before TxDOT applies for a federal grant for a project related to the highway. The bill restricts the use of money from the state highway fund by TxDOT for a project that receives a federal grant only for satisfying matching funds requirements for the grant.

C.S.H.B. 1908 limits the highways that may be designated as a State Scenic Byway by TxDOT only to the highways to which the prohibition against erecting a commercial sign that is adjacent to and visible from the highway applies. The bill requires the Texas Transportation Commission by rule to prohibit outdoor advertising in a manner consistent with federal law on a State Scenic Byway designated under the program. The bill requires the commission to adopt rules as necessary to implement the bill's provisions not later than December 1, 2021.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1908 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original authorized TxDOT to use money from the state highway fund to pay for the costs of a project not covered by a federal grant, whereas the substitute restricts the use of money from the state highway fund by TxDOT for a project that receives a federal grant only for satisfying matching funds requirements for the grant.

The original authorized TxDOT to designate highways as a State Scenic Byway in addition to the automatic designation for each highway listed under provisions relating to a prohibition against erecting a commercial sign adjacent to and visible from a highway, whereas the substitute limits the highways that may be designated as a State Scenic Byway only to the highways to which that prohibition applies.