

BILL ANALYSIS

Senate Research Center
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S.B. 941
By: Buckingham
Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texas is the only state in the nation that does not have a Scenic Byways Program and subsequently misses out on federal funding for local communities and organizations. With the creation of a Scenic Byways Program, the communities along qualifying byways would be eligible for federal funding if they chose to apply for it. With these federal grant funds, local communities and organizations could promote tourism or beautification efforts such as welcome centers or promotion material. Importantly, S.B. 941 only applies to roads designated under Texas statute as already prohibited from having any new billboards.

S.B. 941 directs the Texas Department of Transportation (TxDOT) to establish a State Scenic Byways Program in Texas by adding Section 391.256, Transportation Code. TxDOT will plan, design, and establish the program for designating highways as State Scenic Byways which will include a process that outlines the application process for the political subdivisions and community groups interested in receiving grants. Additionally, the bill designates qualifying highways as those already listed under Section 391.252, Transportation Code, as a State Scenic Byway, and does not expand the number of highways that are not allowed to have billboards in place.

As proposed, S.B. 941 amends current law relating to the adoption of a state scenic byways program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 391.256, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter I, Chapter 391, Transportation Code, by adding Section 391.256, as follows:

Sec. 391.256. SCENIC BYWAYS PROGRAM. (a) Requires the Texas Department of Transportation (TxDOT) to plan, design, and establish a program for designating highways as State Scenic Byways.

(b) Requires that the program include a process by which TxDOT:

- (1) receives proposals from political subdivisions or other community groups approved by TxDOT 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; and
- (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.

(c) Requires that a highway be designated as a State Scenic Byway under the program established by this section before TxDOT applies for a grant under Subsection (b)(2) for a project related to the highway.

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

(e) Provides that, in addition to any highways designated by TxDOT, each highway listed under Section 391.252 (Prohibited Commercial Signs) is designated as a State Scenic Byway.

(f) Requires the Texas Transportation Commission (TTC) by rule to prohibit outdoor advertising in a manner consistent with 23 U.S.C. Section 131(s) on a State Scenic Byway designated under this section.

SECTION 2. Requires TxDOT, not later than December 1, 2021, to establish the program required by Section 391.256, Transportation Code, as added by this Act, and requires TTC to adopt rules as necessary to implement that section.

SECTION 3. Effective date: September 1, 2021.