

**SUBJECT:** Adoption of a state scenic byways program

**COMMITTEE:** Transportation — committee substitute recommended

**VOTE:** 5 ayes — Krusee, Phillips, Casteel, Hamric, Hill  
0 nays  
4 absent — Callegari, Deshotel, Flores, West

**WITNESSES:** For — Margaret Lloyd, Scenic Texas and Scenic Coalition  
Against — None  
On — Michael Vasquez, Texas Conference of Urban Counties

**BACKGROUND:** 23 U.S.C. sec. 162 governs the National Scenic Byways Program. The program, which is administered by the U.S. Department of Transportation's Federal Highway Administration, recognizes certain roads for their cultural, scenic, or recreational qualities. After official designation, the U.S. Department of Transportation provides grants for the preservation and promotion of recognized roads.

**DIGEST:** CSHB 2051 would direct the Texas Department of Transportation (TXDOT) to establish a program for designating highways as state scenic byways. TXDOT would receive proposals from political subdivisions or approved community groups, apply for projects under the federal scenic byways program, and require applicants to pay for project costs that were not covered by federal grants.

A highway would be designated a state scenic highway when the department applied for federal funding for a project related to the highway. The department could use money from the state highway fund to pay for project costs not covered by a federal grant.

Outdoor advertising on a state designated scenic byway would be prohibited in a manner consistent with the federal scenic byways program. This prohibition would not apply to outdoor advertising that was required to be relocated by an improvement to the state highway system if the

advertising was erected before a highway's designation as a state scenic byway. Other types of outdoor advertising also would be allowed, including:

- advertising authorized by law, including advertising for a scenic or historical attraction;
- advertising for the sale or lease of the property on which it was located;
- advertising for activities conducted on the property on which it was located;
- advertising located within 660 feet of a right-of-way on industrial or commercial land;
- advertising for the purpose of protecting life or property; and
- advertising erected on or before October 22, 1965, determined to be a historic or artistic landmark.

The bill would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

CSHB 2051 would allow Texas to join the National Scenic Byways Program, qualifying Texas for millions of dollars in federal highway beautification funds. Since it was created in 1992, the program has provided more than \$200 million for close to 1,500 projects in 48 states. The scenic byways program offers grants to state and local partners to recognize, preserve, and enhance notable and scenic roads throughout the nation. To date, Texas has missed out on these funds while other states have benefited.

Under the program, 96 different roads have been designated as National Scenic Byways or All-American Roads and received federal funding. These include the Natchez Trace in Mississippi, Route 66 in New Mexico, The Las Vegas Strip, and California's Pacific Coast Highway, among many others. Texas has numerous historic and scenic roads that would fit perfectly under this successful program, and local entities should have the option of participating.

Development of scenic byways could be an important economic development strategy with particular significance for rural areas. Approved projects could include safety improvements, construction of pedestrian and bicycle paths, development of visitor facilities, publication of promotional materials, and natural resource conservation projects. A report by the New Mexico tourism department found that, in a nine-month

period in 2001-02, more than 4.7 million visitors traveled that state's scenic byways, generating over \$267 million in tourism spending and employing close to 4,000 individuals. Texas is missing out on this important opportunity to draw down federal dollars that could be used to protect and promote its natural treasures, projects that would boost local economies and generate civic pride.

The byways program is a product of grassroots support by local communities and organizations. Partnerships at the local level are key to making the program work, and participation in the program is voluntary. The primary goal of the scenic byways program is recognition and development of the country's cultural byway heritage, and projects are designed for this purpose, not increased governmental regulation.

**OPPONENTS  
SAY:**

Texas should remain out of the National Scenic Byways Program, which relies on the stewardship of privately owned resources but rewards state and local entities with more money to expand government bureaucracy and regulate private landowners. The state should work with landowners to encourage land stewardship, but should not profit through the independent hard work of landowners. The regulations that are tied to the program could infringe on the local property rights of individuals owning land near a designated highway, many of whom are uninterested in state and federal intrusion into the management of their land.

Participation in the program would come with strings attached. On recognized roads, the state would have to ban or relocate many kinds of outdoor advertising. Many of these advertisements are useful for travelers, and outdoor advertising represents an affordable and effective marketing strategy, especially for small business. The state should stay away from the additional regulations of outdoor advertising included in this bill.

**OTHER  
OPPONENTS  
SAY:**

The state should not require local governments to pay for projects that are not entirely covered by the federal government. The federal budget process is unpredictable, and cutbacks could leave local governments forced to pick up the bill for under-funded projects. Instead, local governmental entities should be given the option of whether or not to pay for approved projects.

**NOTES:**

The committee substitute would allow community groups in addition to local government to apply for grants under the scenic byways program.