

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2051
By: Krusee (Nelson)
Intergovernmental Relations
5/23/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In 1991, the United States Department of Transportation established the National Scenic Byways program. Under this program, the secretary of transportation recognizes certain roads as National Scenic Byways or All-American Roads based on their archaeological, cultural, historic, natural, recreational, and scenic qualities. Although federal grants for state byways have been given to nearly 1,500 projects in 48 states, there are currently 96 such designated byways in 39 states. These roads are shown and marketed on a National Scenic Byways Map and a website, www.byways.org. The program is one that honors locally significant roads and promotes tourism for the participating states.

C.S.H.B. 2051 establishes a Scenic Byways program for Texas. The Texas Department of Transportation (TxDOT) will plan, design, and establish a program for designating highways as State Scenic Byways. Political subdivisions and community groups approved by TxDOT will be allowed to apply for federal grants under 23 U.S.C., Section 162, to be used for a number of eligible projects. The federal grant covers 80 percent of the project costs with the applicant or state providing the remaining 20 percent. These grant funds could be used for a number of eligible projects such as construction of a byway facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facilities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 391.038, Transportation Code) and the Texas Department of Transportation in SECTION 2 (Section 391.256, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 391, Transportation Code, by adding Section 391.038, as follows:

Sec. 391.038. REGULATION OF OUTDOOR ADVERTISING ON CERTAIN HIGHWAYS. (a) Requires the Texas Transportation Commission by rule, except as provided by Subsection (b), to 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) Prohibits a rule adopted under Subsection (a) from applying to certain outdoor advertising.

SECTION 2. 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 (department) to plan, design, and establish a program for designating highways as State Scenic Byways.

(b) Requires the program to include a process to enable the department to perform certain functions.

(c) Requires the department to designate a highway as a State Scenic Byway under the program established by this section before the department applies for a grant under Subsection (b)(1) for a project related to the highway.

(d) Authorizes the department 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) Requires the department to adopt rules to implement this section.

SECTION 3. Effective date: September 1, 2005.