AN ACT TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO DEVELOP AND ADMINISTER A SCENIC BYWAYS PROGRAM; TO PROVIDE FOR THE DEVELOPMENT, PROMOTION AND MAINTENANCE OF INTRINSIC QUALITIES OF SCENIC BYWAYS; TO AUTHORIZE PARTICIPATION BY VARIOUS GOVERNMENTAL ENTITIES; TO AUTHORIZE THE RECEIPT OF FUNDING FROM VARIOUS SOURCES; TO PROVIDE FOR THE ADOPTION OF THE FEDERAL HIGHWAY ADMINISTRATIVE POLICY MEMORANDUMS REGARDING OUTDOOR ADVERTISING OF SCENIC BYWAYS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The Mississippi Department of Transportation as the state agency is authorized to develop and administer a State of Mississippi Scenic Byways Program. This program shall develop criteria and procedures for nominating and selecting scenic byways and provide for adoption of procedures for the administration of designating and managing scenic byways.

SECTION 2. (1) A scenic byway is a route so designated to develop, promote and maintain the intrinsic qualities of the byway.

(2) Intrinsic qualities include:

(a) Scenic: Beauty, where natural or man-made. The quality of the feature is measured by how memorable, distinctive, uninterrupted and unified the byways are.

(b) Natural: Minimal disturbance of the natural ecological features that are associated with the region.

(c) Historic: Landscapes, buildings, structures or other visual evidence of the past. It has to be something that can still be seen—not just the site of something that used to be there.
(d) **Cultural:** Visual evidence of the unique customs, traditions, folklore or rituals of a currently existing human group.

(e) **Archeological:** Visual evidence of the unique customs, traditions, folklore's or rituals of a no longer existing human group.

(f) **Recreational:** The road corridor itself is used for recreation like jogging, biking, roadside picnics or direct access to recreational sites like campgrounds, lakes, etc.

(3) A byway designation shall allow private, local, state and federal participation in the byway. It shall also be advantageous to tourism, as it would allow for development of "trails." Trails are connected sites related by themes that tend to extend tourists stay in Mississippi.

(4) In order for Mississippi roadways/routes to be eligible for federal scenic byways discretionary funds, Mississippi shall first develop a State Scenic Byways Program and designate the roadway/route as a state scenic byway.

(5) Section 1219 of the Transportation Equity Act for the Twenty-first Century codifies the National Scenic Byways Program that allows eligible projects to submit applications annually for eighty percent (80%) federal participation in project development cost.

(6) The following shall be eligible for federal funding participation:

(a) Planning, design and development of a State Scenic Byway Program.

(b) Development and implementation of a corridor management plan to maintain scenic, historical, recreational, cultural, natural and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.
(c) Safety improvements to a state scenic byway, national scenic byway or all-American road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation.

(d) Construction along a scenic byway of facilities for the use of pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overpasses and interpretive facilities.

(e) Improvements to the scenic byway that will enhance access to a recreation area including water-related recreations.

(f) Protection of scenic, historical, recreational, cultural, natural and archaeological resources in an area adjacent to a scenic byway.

(g) Developing and providing tourist information to the public, including interpretive information about the scenic byway.

(h) Development and implementation of scenic byway marketing program.

SECTION 3. The Transportation Equity Act of the Twenty-first Century (TEA-21) shall enhance the Scenic Byway Program by providing federal discretionary scenic byway funds that are in addition to and above the current allocations to the state. This provision of funds will allow a designated scenic byway to apply for funds to assist the development of resources along the byway.

SECTION 4. The Federal Highway Administration Policy Memorandums dated December 30, 1998, regarding outdoor advertising of scenic byways, provides for segmentation of selected or designated scenic byways to allow for appropriate off-site outdoor advertising. The regulation limits the construction of new off-site outdoor advertising. However, it exempts existing advertisement and allows the byway to be segmented so that outdoor advertising may be added in the appropriate areas. The provisions
of this memorandum shall be adopted to carry out the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after July 1, 2001.