

By: Representatives Capps, Cameron

To: Transportation

HOUSE BILL NO. 979

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

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

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

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

19 (2) Intrinsic qualities include:

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

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

25 (c) **Historic:** Landscapes, buildings, structures or
 26 other visual evidence of the past. It has to be something that
 27 can still be seen--not just the site of something that used to be
 28 there.

29 (d) **Cultural:** Visual evidence of the unique customs,
30 traditions, folklore or rituals of a currently existing human
31 group.

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

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

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

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

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

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

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

56 (b) Development and implementation of a corridor
57 management plan to maintain scenic, historical, recreational,
58 cultural, natural and archaeological characteristics of a byway
59 corridor while providing for accommodation of increased tourism
60 and development of related amenities.

61 (c) Safety improvements to a state scenic byway,
62 national scenic byway or all-American road to the extent that the
63 improvements are necessary to accommodate increased traffic and
64 changes in the types of vehicles using the highway as a result of
65 the designation.

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

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

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

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

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

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

85 SECTION 4. The Federal Highway Administration Policy
86 Memorandums dated December 30, 1998, regarding outdoor advertising
87 of scenic byways, provides for segmentation of selected or
88 designated scenic byways to allow for appropriate off-site outdoor
89 advertising. The regulation limits the construction of new
90 off-site outdoor advertising. However, it exempts existing
91 advertisement and allows the byway to be segmented so that outdoor
92 advertising may be added in the appropriate areas. The provisions

93 of this memorandum shall be adopted to carry out the provisions of
94 this act.

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