

By: Representatives Cameron, Capps

To: Transportation;  
Appropriations

HOUSE BILL NO. 657

1 AN ACT TO CREATE THE MISSISSIPPI SCENIC BYWAYS PROGRAM; TO  
 2 DEFINE CERTAIN TERMS AS USED IN THE ACT; TO CREATE A SCENIC BYWAYS  
 3 ADVISORY COMMITTEE TO ASSIST THE DEPARTMENT IN THE DEVELOPMENT AND  
 4 ADMINISTRATION OF THE MISSISSIPPI SCENIC BYWAY PROGRAM, THE  
 5 ADOPTION OF A CORRIDOR MANAGEMENT PLAN, THE REVIEW OF SCENIC BYWAY  
 6 APPLICATIONS AND THE SELECTION AND NOMINATION OF HIGHWAYS, ROADS  
 7 AND STREETS AS SCENIC BYWAYS; TO REQUIRE SCENIC BYWAY NOMINATIONS  
 8 TO BE SUBMITTED TO THE LEGISLATURE AND ENACTED INTO LAW IN ORDER  
 9 TO BECOME OFFICIALLY DESIGNATED AS A SCENIC BYWAY; TO AUTHORIZE  
 10 THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ACCEPT DONATIONS,  
 11 BEQUESTS, GIFTS, GRANTS, APPROPRIATIONS OF MONEY, IN-KIND  
 12 CONTRIBUTIONS AND THINGS OF VALUE FROM ANY SOURCE, PUBLIC OR  
 13 PRIVATE, INCLUDING INDIVIDUALS, ORGANIZATIONS AND FEDERAL, STATE  
 14 AND LOCAL GOVERNMENTAL BODIES, FOR THE PURPOSE OF ESTABLISHING AND  
 15 MAINTAINING THE MISSISSIPPI SCENIC BYWAYS PROGRAM; TO CREATE A  
 16 SPECIAL FUND IN THE STATE TREASURY TO BE DESIGNATED AS THE "SCENIC  
 17 BYWAYS DEVELOPMENT AND MAINTENANCE FUND" FOR THE DEPOSIT OF ALL  
 18 SUCH MONIES SO RECEIVED BY THE DEPARTMENT; TO PRESCRIBE THE  
 19 PURPOSES FOR WHICH MONIES IN THE SPECIAL FUND MAY BE EXPENDED; TO  
 20 REQUIRE THE ADVISORY COMMITTEE TO REVIEW PERIODICALLY EACH  
 21 DESIGNATED SCENIC BYWAY TO ENSURE THAT THE PROGRAM PARTICIPANTS  
 22 ARE MEETING THEIR OBLIGATIONS UNDER THE PLAN AND THAT THE BYWAY  
 23 CONTINUES TO POSSESS THE INTRINSIC QUALITIES AND MEET THE CRITERIA  
 24 WHICH SUPPORTED ITS INITIAL DESIGNATION; TO AUTHORIZE THE  
 25 LEGISLATURE, UPON RECOMMENDATION OF THE ADVISORY COMMITTEE TO  
 26 DE-DESIGNATE A SCENIC BYWAY THAT IS NOT BEING MAINTAINED PROPERLY  
 27 OR THAT HAS LOST ITS NECESSARY INTRINSIC QUALITIES; AND FOR  
 28 RELATED PURPOSES.

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

30 **SECTION 1.** This act shall be known and may be cited as the  
 31 "Mississippi Scenic Byways Program."

32 **SECTION 2.** As used in this act, the following terms have the  
 33 meanings ascribed to them in this section unless the context  
 34 clearly requires otherwise:

35 (a) "Corridor" means a highway, road or street  
 36 right-of-way and the adjacent area that is visible from and  
 37 extends along the highway, road or street;

38 (b) "Department" means the Mississippi Department of  
 39 Transportation;



40 (c) "Intrinsic qualities," as related to scenic byways,  
41 include:

42 (i) Scenic: Beauty, whether natural or man-made.  
43 The quality of the feature is measured by how memorable,

44 distinctive, unique, uninterrupted and unified a scenic byway is;

45 (ii) Natural: Minimal disturbance of the natural  
46 ecological features that are associated with the region;

47 (iii) Historic: Landscapes, buildings, structures  
48 or other visual evidence of the past other than just a site;

49 (iv) Cultural: Visual evidence of the unique  
50 customs, traditions, folklore or rituals of a currently existing  
51 human group;

52 (v) Archeological: Visual evidence of the unique  
53 customs, traditions, folklores or rituals of a no longer existing  
54 human group;

55 (vi) Recreational: Use of a scenic byway or its  
56 corridor for recreational activities like jogging, biking,  
57 roadside picnics or for direct access to recreational sites like  
58 campgrounds, lakes etc.;

59 (d) "Program" means the Mississippi Scenic Byways  
60 Program created under the provisions of this act;

61 (e) "Scenic byway" means a public highway, road or  
62 street, including the corridor through which it passes, that has  
63 been designated as a scenic byway in order to develop, promote and  
64 maintain its intrinsic qualities.

65 **SECTION 3.** The Mississippi Department of Transportation,  
66 upon approval of the Mississippi Transportation Commission, may  
67 administer a Mississippi Scenic Byways Program. Under the  
68 program, the department, with assistance from the Scenic Byways  
69 Advisory Committee created under Section 4 of this act, shall  
70 develop, adopt and implement a scenic byways corridor management  
71 plan for the state. The plan shall be consistent with the  
72 provisions of this act and with guidelines established by federal



73 law, and shall specify actions, procedures, controls, operational  
74 practices and administrative strategies necessary to govern the  
75 selection, nomination and declaration of scenic byways and to  
76 ensure that highways, roads, streets and corridors designated as  
77 scenic byways are properly managed and that their intrinsic  
78 qualities are maintained.

79 **SECTION 4.** (1) There is created a Scenic Byways Advisory  
80 Committee to assist the department in the development and  
81 administration of the Mississippi Scenic Byway Program, the  
82 adoption of a corridor management plan, the review of scenic byway  
83 applications and the selection and nomination of highways, roads  
84 and streets as scenic byways. The committee shall consist of:

85 (a) Two (2) members from each of the following  
86 entities, with one (1) member from each entity being the executive  
87 director of that entity, or his or her designee, and the other  
88 member being a member of that entity selected by its executive  
89 director:

90 (i) The Mississippi Department of Transportation;

91 (ii) The Mississippi Development Authority,  
92 Division of Tourism Development;

93 (iii) The Keep Mississippi Beautiful/People  
94 Against Litter Association;

95 (iv) The Mississippi Association of Supervisors;

96 (v) The Mississippi Outdoor Advertising  
97 Association;

98 (vi) The Mississippi Retail Association;

99 (vii) The Mississippi Tourism Association; and

100 (viii) The Mississippi Municipal League; and

101 (b) Three (3) members to be selected by the Mississippi  
102 Transportation Commission, one from each commissioner's district.

103 (2) The corridor management plan adopted by the committee  
104 shall use best management practices to maintain the intrinsic  
105 qualities of highways, roads and streets designated as scenic



106 byways while ensuring the rights of landowners, including riparian  
107 owners, to continue existing agriculture, forestry, water supply,  
108 recreational, residential, commercial and industrial uses, and any  
109 other uses of land and water, identified in the plan. The  
110 department may enter into agreements for the mutual management of  
111 scenic byways with counties, municipalities and other political  
112 subdivisions of the state, state and federal agencies and private  
113 landowners or businesses. The plan shall ensure that landowners  
114 have input into management practices of any land or water that is  
115 designated as a scenic byway or that is included within a scenic  
116 byway corridor. Land placed in the program shall not be obtained  
117 by eminent domain. A landowner's decision to participate in the  
118 program shall be entirely voluntary and a participating landowner  
119 may terminate his participation at any time without liability,  
120 criminally or civilly, for his subsequent failure to participate.  
121 Counties, municipalities and other political subdivisions of the  
122 state may participate in the program as landowners in the same  
123 manner as private landowners. For the purposes of carrying out  
124 the intent of this act, counties, municipalities and other  
125 political subdivisions of the state, in addition to and  
126 supplemental to any other powers authorized by law for the  
127 acquisition of real property, may acquire by donation or purchase,  
128 but not by eminent domain, interests in real property.

129 (3) The plan adopted under this act shall be in compliance  
130 with all applicable Federal Highway Administration rules,  
131 regulations and policies regarding outdoor advertising on or along  
132 a highway, road or street designated as a scenic byway. Nothing  
133 in this act shall be interpreted as amending or limiting any  
134 county or municipal zoning or land use ordinance unless the county  
135 or municipality has authorized the amendment according to the  
136 procedure provided for in its ordinance.

137 (4) A corridor management plan may not become effective  
138 until a draft of the plan has been submitted for review and



139 recommendation to the Transportation Committee of the House of  
140 Representatives and the Highways and Transportation Committee of  
141 the Senate.

142       **SECTION 5.** (1) The corridor management plan adopted under  
143 this act shall establish criteria, policies and procedures that  
144 will permit county boards of supervisors, municipal governing  
145 authorities and the Mississippi Department of Transportation to  
146 submit to the advisory committee applications for highways, roads  
147 and streets under the governmental entity's respective  
148 jurisdiction for nomination as a scenic byway. Nothing in the  
149 corridor management plan shall be interpreted as amending or  
150 limiting any county or municipal zoning or land use ordinances  
151 unless the county or municipality has authorized the amendment  
152 according to the procedure provided for in its ordinance. The  
153 corridor management plan shall authorize county boards of  
154 supervisors and municipal governing authorities to submit one or  
155 more plans for one or more highways, roads or streets to be  
156 designated a scenic byway that may have management requirements  
157 that are more strict than the department's corridor management  
158 plan. Such plans for a scenic byway submitted by a county or  
159 municipality shall describe the additional management requirements  
160 proposed for application to the scenic byway and, if approved by  
161 the department, shall apply only to the approved scenic byway. In  
162 carrying out the purposes of this act and the specific plans for  
163 scenic byways, counties and municipalities may include in such  
164 specific plans for the corridor (including, but not limited to,  
165 medians) provisions for planting and replanting of trees, shrubs  
166 and flowers; vegetative buffers, design guidelines and limitations  
167 for landscaping, signage and lighting; and noise guidelines and  
168 limitations. The authority granted to counties and municipalities  
169 under this subsection is supplementary and in addition to any  
170 other authority that a county or municipality may have under law.



171           (2) After receipt of an application, the advisory committee  
172 shall hold a public meeting in the geographic area where the  
173 proposed scenic byway is located to receive comments and  
174 recommendations from the public. Notice of the meeting, along  
175 with a description of the highway, road or street proposed as a  
176 scenic byway shall be given once each week for at least three (3)  
177 consecutive weeks by publication in some newspaper having a  
178 general circulation in the county where the proposed scenic byway  
179 is located. Following the public meeting, the committee may  
180 nominate the highway, road or street as a scenic byway if it is  
181 eligible and meets the guidelines established under the program.  
182 A highway, road or street that has been nominated by the committee  
183 as a scenic byway shall be submitted by the advisory committee to  
184 the Legislature at the next regular session of the Legislature  
185 following its nomination. A highway, road or street that has been  
186 nominated as a scenic byway may be designated as an official  
187 Mississippi Scenic Byway only by its introduction and passage as a  
188 legislative bill.

189           (3) The advisory committee shall review each designated  
190 scenic byway not less often than once each two (2) years to make  
191 sure that the program participants are meeting their obligations  
192 under the plan and that the byway continues to possess the  
193 intrinsic qualities and meet the criteria which supported its  
194 initial designation. If the committee finds that a designated  
195 byway is not being maintained according to established standards  
196 or that it has lost its necessary intrinsic qualities, the  
197 committee shall report its findings to the Legislature and the  
198 Legislature, by legislation, may de-designate the byway.

199           **SECTION 6.** (1) The department may accept donations,  
200 bequests, gifts, grants, appropriations of money, in-kind  
201 contributions and things of value from any source, public or  
202 private, including individuals, organizations and federal, state  
203 and local governmental bodies, for the purpose of establishing and



204 maintaining the Mississippi Scenic Byways Program. All such money  
205 so received by the department shall be deposited into a special  
206 fund that is created in the state treasury to be designated as the  
207 "Scenic Byways Development and Maintenance Fund." Unexpended  
208 amounts remaining in the fund at the end of a fiscal year shall  
209 not lapse into the State General Fund, and any investment earnings  
210 or interest earned on amounts in the fund shall be deposited to  
211 the credit of the fund.

212 (2) Monies in the Scenic Byways Development and Maintenance  
213 Fund may be expended, upon legislative appropriation, for the  
214 following purposes:

215 (a) To plan, design and develop the Mississippi Scenic  
216 Byways Program;

217 (b) To develop and implement a corridor management plan  
218 for the purposes of maintaining the intrinsic qualities of scenic  
219 byways and providing accommodation of increased tourism and  
220 development of related amenities;

221 (c) To make safety improvements to Mississippi scenic  
222 byways, a National Scenic Byway or an All-American Road to the  
223 extent that the improvements are necessary to accommodate  
224 increased traffic and changes in the types of vehicles using the  
225 highway, road or street as a result of the designation;

226 (d) To construct along scenic byways facilities for use  
227 of pedestrians and bicyclists, rest areas, turnouts, highway  
228 shoulder improvements, passing lanes, overlooks and interpretive  
229 facilities;

230 (e) To make improvements to scenic byways that will  
231 enhance access to recreation areas, including water-related  
232 recreations;

233 (f) To protect the intrinsic qualities of areas  
234 adjacent to scenic byways;

235 (g) To develop and provide tourist information to the  
236 public, including interpretive information about scenic byways;



237           (h) To develop and implement scenic byway marketing  
238 programs; and

239           (i) To match monies made available from the federal  
240 government for the establishment and maintenance of the scenic  
241 byways program.

242           **SECTION 7.** (1) This act shall not prohibit, restrict or  
243 otherwise affect the operation, maintenance or new construction of  
244 any facility, road, railroad, bridge, utility, pipeline, crossing  
245 or any other use or activity in or related to a scenic byway area  
246 that is lawful at the time that the scenic byway is designated.

247           (2) Nothing in this act shall mandate local governments to  
248 participate in the program, and a local governmental entity may  
249 terminate participation in the program at any time by resolution  
250 duly adopted and entered upon its minutes.

251           **SECTION 8.** This act shall take effect and be in force from  
252 and after July 1, 2002.

