

RELATED FEDERAL LEGISLATION

Public Law 105-178, Section 1219. National Scenic Byways Program

The Transportation Equity Act for the 21st Century (TEA-21) codified the National Scenic Byways Program with an amendment to Title 23 of the U.S. Code creating “Section 162. National Scenic Byways Program” shown below.

(a) In General. -- Chapter 1 of title 23, United States Code is amended by adding at the end the following:

Sec. 162. National Scenic Byways Program.

“(a) Designation of Roads. --

“(1) In general. -- The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archeological qualities by designating the roads as National Scenic Byways or All-American Roads.

“(2) Criteria. -- The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

“(3) Nomination. -- To be considered for the designation, a road must be nominated by a State or a federal land management agency and must first be designated as a State scenic byway or, in the case of a road on Federal land, as a Federal land management agency byway.

“(b) Grants and Technical Assistance. --

“(1) In general. -- The Secretary shall make grants and provide technical assistance to States to --

“(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

“(B) plan, design, and develop a State scenic byway program.

“(2) Priorities. -- In making grants, the Secretary shall give priority to --

“(A) each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

“(B) each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

“(C) each eligible project that is associated with the development of a State scenic byway program.

“(c) Eligible Projects. -- The following are projects that are eligible for Federal assistance under this section:

“(1) An activity related to the planning, design, or development of a State scenic byway program.

“(2) Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, archeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

“(3) 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 as a State scenic byway, National Scenic Byway, or All-American Road.

“(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facility.

“(5) An improvement to a scenic byway that will enhance access to an area for the purpose of recreations, including water-related recreation.

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

“(7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

“(8) Development and implementation of a scenic byway marketing program.

“(d) Limitation. -- The Secretary shall not make a grant under this section for any project that would not protect the scenic, historical, recreational, cultural, natural, and archeological integrity of a highway and adjacent areas.

“(e) Saving Clause. -- The Secretary shall not withhold any grant or impose any requirement on State as a condition of providing a grant or technical assistance for any scenic byway unless the requirement is consistent with the authority provided in this chapter.

“(f) Federal Share. -- The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.”.

“(b) Conforming Amendment. -- The analysis for chapter 1 of such title is amended by adding at the end the following:

“162. National scenic byways program.”.

The text may be found on the Internet at the following location:

<http://www.fhwa.dot.gov/tea21/>

Federal Register, Volume 60, No. 96, May 18, 1995, pgs. 26,759-26,762: National Scenic Byways Program

This Federal Highway Administration Interim Policy describes the national Scenic Byways Program including the designation criteria for National Scenic Byways and All-

American Roads. It also describes corridor management plans. The policy may be found on the Internet at the following location:

<http://frwebgate1.access.gpo.gov/>

United States Code Title 23, Section 131: Control of Outdoor Advertising

The federal legislation, passed in 1964, governs the erection and maintenance of outdoor advertising adjacent to the Interstate System and federal-aid primary system. Signs shall be limited to:

1. directional and official signs and notices, including signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards containing provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate;
2. signs, displays, and devices advertising the sale or lease of property upon which they are located;
3. signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located;
4. signs lawfully in existence on October 22, 1965, determined by the State subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, or historic or artistic significance the preservation of which would be consistent with the purposes of this section; and
5. signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system.

Subsection (s) of Section 131 pertains specifically to scenic byways:

(s) Scenic Byway Prohibition.- If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such a program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section. In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded

segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.

The complete text of this legislation is on the Internet at the following location:

<http://www.law.cornell.edu/uscode/23/131.html>