

Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation Commission  
Chapter 12—Scenic Byways

PROPOSED AMENDMENT

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OCT 06 2017

SECRETARY OF STATE  
ADMINISTRATIVE RULES

COPY

**7 CSR 10-12.010 Scenic Byways.** The Missouri Highways and Transportation Commission is amending sections (1), (3), and (4), deleting section (2), and renumbering sections (3) and (4).

*PURPOSE: This amendment removes unnecessary language already existing in state law.*

(1) The Missouri Highways and Transportation Commission (commission) may designate a road or highway under its jurisdiction as a scenic byway based upon consideration of the factors [outlined in section (2)] **in section 226.798 RSMo.**

[(2) *The commission shall consider the following factors in designating a road or highway as a scenic byway:*

- (A) *Highway design which preserves and protects the natural beauty or scenery of the area;*
- (B) *Significant scenic, natural, historical, cultural, or recreational resources in the area;*
- (C) *Adequate land area to accommodate safe enjoyment of scenic attractions;*
- (D) *Compatibility of the scenic byway with recreational, aesthetic, and environmental management needs of the area; and*
- (E) *Presence of existing protected areas near or adjacent to the scenic byway such as national forests or federal or state parkland.]*

[(3)2] If the commission designates a road or highway under its jurisdiction as a scenic byway, it may implement protective measures to preserve and protect the designated road which may include[, *but shall not be limited to*]:

- (A) Acquisition of scenic easements;
- (B) Controlled access; and
- (C) Landscaping.

[(4)] (3) The commission may remove any road or highway under its jurisdiction from the state system of scenic byways after consideration of the factors outlined in section [(2)] **226.798** and determination that the road or highway no longer merits designation as a scenic byway.

*AUTHORITY: sections 226.020, 226.130(2), 227.030, and 226.797–226.799, RSMo 2000.\* Emergency rule filed April 5, 1993, effective April 15, 1993, expired Aug. 3, 1993. Emergency rule filed July 30, 1993, effective Aug. 9, 1993, expired Nov. 29, 1993. Original rule filed April 5, 1993, effective Dec. 9, 1993. Amended: Filed Jan. 9, 2014, effective Aug. 30, 2014. Amended: Filed October 6, 2017.*

*\*Original authority: 226.020, 226.130 and 227.030, RSMo 1939 and 226.797, RSMo 1990.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

JOINT COMMITTEE ON

OCT 06 2017

ADMINISTRATIVE RULES

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or [Pamela.Harlan@modot.mo.gov](mailto:Pamela.Harlan@modot.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*