

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

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PROPOSED AMENDMENT

7 CSR 10-12.030 Nomination Review Process. The Missouri Highways and Transportation Commission is amending sections (1), (5), (6), (7), (8), (9), (10), (11), and (12); deleting section (13) and renumbering section (14).

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PURPOSE: This amendment removes unnecessary requirements in the nomination review process not found in state statute and eliminates the requirement of a biennial review.

(1) Initial Screening. The Missouri Department of Transportation *[shall perform an]* **is responsible for the** initial screening of all nomination application packages. The completeness and accuracy of the application and the zoning of the proposed byway is reviewed.

(A) If any deficiencies in the application are discovered, the applicant is notified by the Missouri Department of Transportation and has ninety (90) days to resubmit the corrected application.

(B) If the application package appears complete, the Missouri Department of Transportation shall:

1. send a letter to all affected governing bodies in the proposed byway area informing them of the nomination and requesting zoning information and a letter of intent; **and,**[.]

[(C) The Missouri Department of Transportation shall also]

2. compile a report on the proposed byway including traffic, accident, and other pertinent safety data.

(5) Rating Scale. This evaluation *[shall also]* includes results of a matrix rating scale used for prioritization of proposed scenic byways. This rating scale is available from the Missouri Department of Transportation, Attention: Scenic Byways Advisory Committee, PO Box 270, Jefferson City, MO 65102, **or by visiting <http://www.modot.org/scenicbyways/>.**

(6) SBAC Recommendation. Following initial review, SBAC shall then either—

(A) Recommend forwarding the proposed byway application to the next step of the nomination process; or

(B) Notify applicant of needed corrections. *[and the]* **The applicant *[shall have]* has** ninety (90) days **from receipt of notification** to resubmit the corrected application.

(7) Notice of Intent. *[The]* **Upon SBAC recommendation, the** Missouri Department of Transportation *[shall then]* provides written notice of its intent to designate the road or highway as a scenic byway to newspapers of general circulation in the area(s) affected and to the governing body of each county and each municipality that has jurisdiction over all or part of the route.

(A) Within thirty (30) days following notice, the governing body of each county or municipality shall conduct a public hearing on the matter.

(B) Within ninety (90) days after the receipt of the notice from the department, each governing

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body of each county or municipality, after such hearing, shall approve or reject the proposed byway designation[. *The governing body shall*], notify the Missouri Department of Transportation of **its** approval or rejection, and submit a summary of the public hearing to the Missouri Department of Transportation.

(C) Support from all governing bodies is necessary for the nomination process to continue. If the proposed byway is under the joint jurisdiction of two (2) or more municipalities, or one (1) or more municipalities and one (1) or more counties, or two (2) or more counties, scenic byway designation for that portion of the route [*shall not*] **cannot** occur until the governing bodies of all affected municipalities and the county commissions of all affected counties approve of such designation.

(8) Final SBAC Review. SBAC [*shall*] **is responsible to review** [*for final recommendation*] all information including the application package and summary of the public hearing **prior to making a final recommendation.**

(A) If the nomination is approved, [*SBAC shall present*] the proposed byway **is presented** to the Missouri Highways and Transportation Com[*-*]mission for final approval and official designation as a scenic byway; or

(B) If the nomination is not approved, SBAC [*shall notify*] **notifies** the applicant of deficiencies and the applicant [*shall have*] **has** ninety (90) days to correct such deficiencies.

(9) Approval or Rejection by Commission. The final step in the nomination process is to receive approval or rejection from the Missouri Highways and Transportation Commission. The commission may, by commission minute, approve the designation of the road or highway as a scenic byway if the commission determines the road or highway will promote a continuous system of scenic byways for the public health and welfare. If the commission rejects such nomination, the applicant [*shall be*] **is** given ninety (90) days after receipt of the commission's rejection to correct any deficiencies in the nomination.

(10) Agreement Following Designation. After official designation as a scenic byway by the Missouri Highways and Transportation Com-mission, a written agreement between the commission and affected governing bodies [*shall be*] **is required**[. *This agreement shall*]**and** includes:

- (A) Provision for protection of scenic qualities or features;
- (B) Provision for signing;
- (C) Requirements for removing byway from system; and
- (D) Route maintenance responsibilities.

(11) Signs. The Missouri Department of Transportation [*shall produce and install*] **manufactures and installs** standard signs along all state scenic byways. Additional signs may be purchased and installed by affected governing bodies subject to department approval.

(12) Outdoor Advertising. Upon official designation by the commission, no new advertising devices which are visible from the highway may be erected, except the following exceptions provided in section 226.520, RSMo [(1994)]:

- (A) On-premises advertising devices;
- (B) Tourist-oriented directional and other official signs; and

(C) Advertising devices located in areas zoned commercial or industrial which are segmented as nonscenic.

[(13) Biennial Review Process. The SBAC shall review all biennial reports submitted by affected governing bodies. Such reviews shall ensure that the governing bodies are maintaining provisions included in the initial written agreement and corridor management plan. If the byway—

(A) Still meets scenic byway standards as provided in section (4) of this rule, the route shall retain its designation as a scenic byway; or

(B) Contains deficiencies, affected governing bodies shall be notified and shall have ninety (90) days in which to correct such deficiencies.]

[14]13) Periodic Review. Designated byways are subject to periodic review by the Missouri Highways and Transportation Commission with emphasis on the implementation of measures to ensure maintenance and enhancement of their scenic, historical, cultural, recreational, and natural features. Failure to maintain and protect the scenic appearance of a byway may result in termination of official designation by the commission.

AUTHORITY: sections 226.020, 226.150, 226.797, 226.798, 226.799, and 226.801, RSMo 2000 and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240. Original rule filed April 10, 1996, effective Oct. 30, 1996. Amended: Filed Jan. 9, 2014, effective Aug. 30, 2014. Amended: Filed October 6, 2017.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.797, RSMo 1990 and 226.798, 226.799 and 226.801, RSMo 1995.*

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

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. 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.*