

FIRST REGULAR SESSION

# HOUSE BILL NO. 1051

## 98TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE RIZZO.

2054L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal section 226.797, RSMo, and to enact in lieu thereof one new section relating to scenic byways.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 226.797, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 226.797, to read as follows:

226.797. 1. The general assembly finds that certain roads and highways serve scenic and natural areas and that preserving, protecting, and enhancing such roads and highways for the benefit of the state of Missouri and improving the coordination between all levels of government in preserving such roads and highways is of importance to the people of the state, and that measures should be taken in order to provide a means and stimulus for coordinating the preservations, protection, enhancement, enjoyment, and utilization of such roads and highways.

2. The highways and transportation commission of the state of Missouri is authorized to create a state system of scenic byways in order to create and preserve rustic, historic or scenic roads and highways for vehicular, bicycle and pedestrian travel in unhurried, quiet and leisurely enjoyment; to protect and preserve a part of Missouri's transportation history, historic roads and cultures, recreational driving, beauty, trees, vegetation and wildlife by establishing protective standards for scenic byway design, access, maintenance, preservation, and identification, which will promote a continuous system of scenic byways for the public health and welfare.

3. Any county commission or the governing body of any municipality may apply to the Missouri highways and transportation commission for the designation of any road or highway, all or part of which is under its jurisdiction, as a scenic byway after a public hearing with at least a thirty-day prior notice. Unless the commission determines that the road or highway does not

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 meet the standards for scenic byways established by the commission pursuant to this section the  
19 commission shall approve the application for designation of the road or highway as a scenic  
20 byway.

21 4. Any county commission or the governing body of any municipality may apply to the  
22 commission for the removal of any road or highway from the scenic byways system after a public  
23 hearing with at least a thirty-day prior notice. Unless opposed by a majority of the residents  
24 along the scenic byway or if the commission determines that the road or highway does not meet  
25 the standards for scenic byways established by the commission pursuant to this section the  
26 commission shall approve the application for removal of the road or highway from the scenic  
27 byways system.

28 5. Roads or highways submitted for designation or removal as scenic byways, which are  
29 under the joint jurisdiction of two or more municipalities, or one or more municipalities and one  
30 or more counties, or two or more counties may not be designated scenic byways or be withdrawn  
31 from the scenic byways system by the commission until the governing bodies of all affected  
32 municipalities and the county commissions of all affected counties approve of such designation  
33 or removal after public hearings with at least thirty-day prior notices.

34 6. The county commissions, the municipalities and the counties shall have the same  
35 authority over scenic byways as they possess over other roads or highways under their  
36 jurisdiction.

37 **7. Notwithstanding any other provision of law, any fine imposed by any county,**  
38 **municipality, or other governmental entity for illegal or unauthorized dumping or littering**  
39 **shall be doubled when such offense occurs on a roadway designated as a scenic byway.**

✓