

SECOND REGULAR SESSION

# HOUSE BILL NO. 1819

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor), HARRIS (110), MEADOWS, FRAME,  
KOMO AND FALLERT (Co-sponsors).

Read 1st time January 24, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4608L.01I

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### AN ACT

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

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*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Section A. Section 226.797, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 226.797, to read as follows: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. **The Missouri department of transportation shall have the same power and authority over**

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.

15 **private property along a road or highway that has been designated a scenic byway that the**  
16 **department had over the private property prior to the road or highway being designated**  
17 **as a scenic byway. Nothing in this section shall be construed as granting the department**  
18 **power to acquire scenic easements within an area designated as a scenic byway. The**  
19 **department shall not require private property owners who own real estate along a scenic**  
20 **byway to restrict, limit, or restrain the use of their property unless such restriction,**  
21 **limitation, or restraint also would be applicable to a road or highway that is not a scenic**  
22 **byway.**

23         3. Any county commission or the governing body of any municipality may apply to the  
24 Missouri highways and transportation commission for the designation of any road or highway,  
25 all or part of which is under its jurisdiction, as a scenic byway after a public hearing with at least  
26 a thirty-day prior notice. Unless the commission determines that the road or highway does not  
27 meet the standards for scenic byways established by the commission pursuant to this section the  
28 commission shall approve the application for designation of the road or highway as a scenic  
29 byway.

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

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

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

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