

SECOND REGULAR SESSION

SENATE BILL NO. 826

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time January 9, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4181S.02I

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Section A. Section 226.797, RSMo, is repealed and one new section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

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

9 2. The highways and transportation commission of the state of Missouri
10 is authorized to create a state system of scenic byways in order to create and
11 preserve rustic, historic or scenic roads and highways for vehicular, bicycle and
12 pedestrian travel in unhurried, quiet and leisurely enjoyment; to protect and
13 preserve a part of Missouri's transportation history, historic roads and cultures,
14 recreational driving, beauty, trees, vegetation and wildlife by establishing
15 protective standards for scenic byway design, access, maintenance, preservation,
16 and identification, which will promote a continuous system of scenic byways for
17 the public health and welfare. **The Missouri department of transportation**
18 **shall have the same power and authority over private property along**
19 **a road or highway that has been designated a scenic byway that the**
20 **department had over the private property prior to the road or highway**

21 **being designated as a scenic byway. Nothing in this section shall be**
22 **construed as granting the department power to acquire scenic**
23 **easements within an area designated as a scenic byway. The**
24 **department shall not require private property owners who own real**
25 **estate along a scenic byway to restrict, limit, or restrain the use of**
26 **their property unless such restriction, limitation, or restraint also**
27 **would be applicable to a road or highway that is not a scenic byway.**

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

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

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

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

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