

1999 DRAFTING REQUEST

Bill

Received: **01/5/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Etzler**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - highways**

Extra Copies: **TNF, ISR**

Topic:

DOA:.....Etzler - Scenic byways program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 01/6/99	chanaman 01/8/99		_____			S&L
/P1	nilsepe 01/19/99	chanaman 01/20/99	lpaasch 01/8/99	_____	lrb_docadmin 01/8/99		S&L
/P2			hhagen 01/20/99	_____	lrb_docadmin 01/20/99		S&L

FE Sent For:

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/?	nilsepe 01/6/99	chanaman 01/8/99		_____			S&L
/P1	lp2 cmm 1/20		lpaasch 01/8/99	_____	lrb_docadmin 01/8/99		
FE Sent For:	lp2 1/20 jcg		#1/20	#1/20			<END>

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17	nilsepe	CMM 1/6 /PI 1/11 1/2 JLG	1/KLP	1/8 L.P. <u>JF</u>			S&L

FE Sent For:

<END>

CORRESPONDENCE MEMORANDUM

Paul
STATE OF WISCONSIN
Department of Administration

-1585

Date: December 29, 1998

To: Steve Miller
Legislative Reference Bureau

From: John M. Etzler *JME*
Budget and Policy Analyst

Subject: Statutory Language Changes

Draft legislation that would allow for the creation of the Scenic Byways Program authorizing the Secretary of the Department of Transportation to designate roads in Wisconsin as scenic byways. (see attachment)

Please call me at 266-1039 if you have any questions or concerns.

cc: David Schmiedicke

Department of Transportation
1999-2001 Biennial Budget Request
STATUTORY MODIFICATIONS

DIN NUMBER: 5814

TOPIC: Wisconsin Scenic Byways Program

DESCRIPTION OF CHANGE:

Create a Scenic Byways Program (amend Chapter 84) which would grant the Secretary of the Department of Transportation discretion to designate roads in Wisconsin as scenic byways.

JUSTIFICATION: Under the Transportation Equity Act of the 21st Century (TEA-21), approximately \$24.6 million annual average authorization is available for a national program of scenic byways. These funds have their own authorization and obligation authority and as such are not a part of the annual federal-aid highway funds that Wisconsin receives.

As a discretionary program, states must apply to FHWA for approval of their projects. In 1998 approximately 200 projects, costing \$48 million, were submitted to FHWA for consideration. Based on this significant demand, the next application cycle will not take place until the year 2000. After review by staff, the secretary of FHWA makes the designation as to what projects will be approved as National Scenic Byways.

The Secretary of the Department of Transportation would designate routes as Wisconsin Scenic highways and submit them to the Federal Highway Administration (FHWA) along with an analysis of why the routes were selected. The analysis would describe the scenic, historic, cultural, natural, recreational or archeological reasons for the designations. The federal share of the cost of the projects would be 80% with a 20% state or local match.

In order to be eligible to compete for funding under the National Scenic Byways Program, the Department of Transportation will implement the following requirements: 1) Establish a Wisconsin Scenic Byways Program; 2) Develop Corridor Management Plans; and 3) Follow federal law which prohibits new outdoor advertising signs on scenic roads.

Criteria are needed to determine which roads will be selected. Program guidelines are necessary to determine what will be funded. Corridor Management Plans would need to be developed for each designated highway; these plans are necessary to balance tourism and economic development in the scenic corridor. Under federal law, the Department would have to control any outdoor advertising on any scenic byway system.

Subject to availability of federal funding, the Wisconsin Scenic Byways Program would focus on providing signs and limited amenities. Included would be improvements to the road to better handle tourist traffic, i.e. increased shoulder widths, paved shoulders, added turning lanes, pavement markings, etc., and scenic amenities, such as overlooks and turnouts. Additionally, kiosks or interpretive signs would be funded and installed to highlight the special natural or historical features of the route.

(b) Conforming Amendment.--The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

''322. Magnetic levitation transportation technology deployment program.''

SEC. 1219. NATIONAL SCENIC BYWAYS PROGRAM.

(a) In General.--Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''Sec. 162. National scenic byways program

''(a) Designation of Roads.--

''(1) In general.--The Secretary shall carry out a national scenic byways program that recognizes (roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities) by designating the roads as National Scenic Byways or All-American Roads.

''(2) Criteria.--The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

''(3) Nomination.--To be considered for the designation, a road must be nominated by a State or a Federal land management agency and must first be designated as a (State scenic byway) or, in the case of a road on Federal land, as a Federal land management agency byway.

''(b) Grants and Technical Assistance.--

''(1) In general.--The Secretary shall make grants and provide technical assistance to States to--

''(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

''(B) plan, design, and develop a State scenic byway program.

''(2) Priorities.--In making grants, the Secretary shall give priority to--

''(A) each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

''(B) each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

''(C) each eligible project that is associated with the development of a State scenic byway program.

''(c) Eligible Projects.--The following are projects that are eligible for Federal assistance under this section:

''(1) An activity related to the planning, design, or development of a State scenic byway program.

''(2) Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

''(3) Safety improvements to a State scenic byway, National Scenic Byway, or All-American Road to the extent that the

improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, National Scenic Byway, or All-American Road.

“(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facility.

“(5) An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

“(6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.

“(7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

“(8) Development and implementation of a scenic byway marketing program.

“(d) Limitation.--The Secretary shall not make a grant under this section for any project that would not protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

“(e) Savings Clause.--The Secretary shall not withhold any grant or impose any requirement on a State as a condition of providing a grant or technical assistance for any scenic byway unless the requirement is consistent with the authority provided in this chapter.

“(f) Federal Share.--The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.”.

(b) Conforming Amendment.--The analysis for chapter 1 of such title is amended by adding at the end the following:

“162. National scenic byways program.”.

SEC. 1220. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES. <<NOTE: 49 USC 104 note.>>

(a) In General.--

(1) Elimination.--The Secretary shall eliminate any programmatic decisionmaking responsibility of the regional offices of the Federal Highway Administration for the Federal-aid highway program as part of the Administration's efforts to restructure its field organization.

(2) Activities.--In carrying out paragraph (1), the Secretary shall eliminate regional offices, create technical resource centers, and, to the maximum extent practicable, delegate authority to State offices of the Federal Highway Administration.

(b) Preference.--In locating the technical resource centers, the Secretary shall give preference to cities that house, on the date of enactment of this Act, the Federal Highway Administration regional offices and are in locations that minimize the travel distance between the technical resource centers and the Federal Highway Administration division offices that will be served by the new technical resource centers.

(c) Report to Congress.--The Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed implementation plan to carry out this section not

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*** THIS SECTION IS CURRENT THROUGH PUBLIC ACT 90-654 ***
*** (1998 REGULAR SESSION) ***

CHAPTER 225. PROFESSIONS AND OCCUPATIONS
SERVICE AND SALES
HIGHWAY ADVERTISING CONTROL ACT OF 1971

225 ILCS 440/14.02 (1998)

§ 225 ILCS 440/14.02. Scenic byways; nomination

Sec. 14.02. Scenic byways; nomination. (a) The Department shall limit its nominations for national designation of scenic byways to roads or highways that:

(1) possess any of 6 intrinsic qualities as specified by the United States Department of Transportation, including scenic beauty, natural quality, historic quality, cultural quality, archeological quality, or recreational quality;

(2) accommodate 2-wheel drive automobiles and, wherever feasible, bicycle and pedestrian travel;

(3) are the subject of a complete corridor management plan consistent with requirements of the United States Department of Transportation and developed with community involvement, which provides for the conservation and enhancement of the byway's intrinsic qualities as well as promotion of tourism and economic development;

(4) are the subject of written notice of pending nomination given by a unit of local government of appropriate jurisdiction to businesses and property owners to be directly affected by national designation, which notice shall include the opportunity to submit written comments to the local government; and

(5) do not include sections of primary or Interstate highways that, at the time of nomination, traverse business areas, unless the Department determines that any such section possesses one or more intrinsic qualities in such exceptional measure as to merit nomination for national designation.

(b) Before forwarding a nomination to the United States Department of Transportation, the Department may request the appropriate unit of local government to conduct a public hearing if it is determined that sufficient numbers of property owners and businesses may be affected adversely by national designation.

(c) The Department may request the United States Department of Transportation to de-designate all or part of a scenic byway (i) if it is determined that the intrinsic qualities that led to designation no longer exist, (ii) if the approved corridor management plan is not being implemented in accordance with

its provisions, or (iii) in the event of termination of the national scenic byways program or the absence of Congressional authorization for funding of that program. Before making such request, the Department or the appropriate unit of local government petitioning for de-designation shall hold a public hearing for the purpose of obtaining public comment on the proposed de-designation.

HISTORY:

Source: P.A. 89-605, § 10.

NOTES:

EFFECTIVE DATE.

Section 99 of P.A. 89-605 made this section effective upon becoming law. The Act was approved August 2, 1996.

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*** CURRENT THROUGH THE 1998 FIRST SPECIAL SESSION ***
*** (95TH LEGISLATURE) ***

CHAPTER 39. HIGHWAYS AND BRIDGES
ARTICLE 2. SIGNS

R.R.S. Neb. § 39-218 (1998)

§ 39-218. Scenic byways; prohibition of signs visible from main-traveled way;
exceptions

No sign shall be erected which is visible from the main-traveled way of any scenic byway except (1) directional and official signs to include, but not be limited to, signs and notices pertaining to natural wonders, scenic attractions, and historical attractions, (2) signs, displays, and devices advertising the sale or lease of property upon which such media are located, and (3) signs, displays, and devices advertising activities conducted on the property on which such media are located. Signs which are allowed shall comply with the standards and criteria established by rules and regulations of the Department of Roads.

HISTORY: Laws 1995, LB 264, § 12.

NOTES:

EFFECTIVE DATE: September 9, 1995.

USER NOTE: For more generally applicable notes, see notes under the first section of this heading.

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*** CURRENT THROUGH THE 1998 FIRST SPECIAL SESSION ***
*** (95TH LEGISLATURE) ***

CHAPTER 39. HIGHWAYS AND BRIDGES
ARTICLE 2. SIGNS

R.R.S. Neb. § 39-217 (1998)

§ 39-217. Scenic byway designations

(1) The Department of Roads may designate portions of the state highway system as a scenic byway when the highway corridor possesses unusual, exceptional, or distinctive scenic, historic, recreational, cultural, or archeological features. The department shall adopt and promulgate rules and regulations establishing the procedure and criteria to be utilized in making scenic byway designations.

(2) Any portion of a highway designated as a scenic byway which is located within the limits of any incorporated municipality shall not be designated as part of the scenic byway, except when such route possesses intrinsic scenic, historic, recreational, cultural, or archeological features which support designation of the route as a scenic byway.

HISTORY: Laws 1995, LB 264, § 11.

NOTES:

EFFECTIVE DATE: September 9, 1995.

USER NOTE: For more generally applicable notes, see notes under the first section of this heading.

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COLORADO REVISED STATUTES

*** THIS SECTION IS CURRENT THROUGH THE 1997 SUPPLEMENT (1997 SESSIONS) ***

TITLE 43. TRANSPORTATION
GENERAL AND ADMINISTRATIVE
ARTICLE 1. GENERAL AND ADMINISTRATIVE
PART 4. ROADSIDE ADVERTISING

C.R.S. 43-1-419 (1997)

43-1-419. Scenic byways - Independence pass scenic area highway

(1) (a) State highways designated as scenic byways by the transportation commission shall have no new advertising devices erected which are visible from the highway, except the following:

- (I) Official advertising devices, as defined in section 43-1-403 (13);
- (II) On-premises advertising devices, as defined in section 43-1-403 (14); or
- (III) Directional advertising devices, as defined in section 43-1-403 (4).

(b) Existing advertising devices along scenic byways which are in compliance with this part 4 and the rules and regulations of the department may be maintained as long as they remain in compliance with all provisions of this part 4 and the rules and regulations of the department.

(c) (I) An advertising device shall be considered to be visible from a designated highway if it is plainly visible to the driver of a vehicle who is proceeding in a legally designated direction and traveling at the posted speed.

(II) As used in this paragraph (c), "visible" shall have the same meaning as provided in section 43-1-403 (17).

(2) Independence pass on state highway 82 and sixteen miles of said highway extending on either side of Independence pass in Pitkin and Lake counties, Colorado, is designated as a scenic area highway, and no advertising devices shall be erected on or near said highway so as to be visible to motor vehicle operators on said highway.

Cross references: For regulation of advertising of county roads, see 43-2-139 and 43-2-141.

Source: L. 81: Entire part R & RE, p. 2018, 1, effective July 1. L. 92: Entire section amended, p. 1343, 4, effective July 1. L. 93: (1)(c) added, p. 1487, 2, effective June 6.

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*** THIS SECTION IS CURRENT THROUGH THE 1998 SUPPLEMENT (1997 SESSION)

*** INCLUDING URGENCY LEGISLATION THROUGH CHAPTER 310, 8/18/98 ***

BUSINESS & PROFESSIONS CODE
DIVISION 3. Professions and Vocations Generally
CHAPTER 2. Advertisers
ARTICLE 1. General Provisions

Cal Bus & Prof Code § 5216.4 (1997)

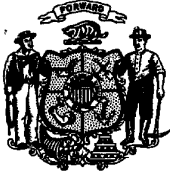
§ 5216.4. "Officially designated scenic highway or scenic byway"

(a) "Officially designated scenic highway or scenic byway" means any state highway that has been officially designated and maintained as a state scenic highway pursuant to Sections 260, 261, 262, and 262.5 of the Streets and Highways Code or that has been officially designated a scenic byway as referred to in Section 131(s) of Title 23 of the United States Code.

(b) "Officially designated scenic highway or scenic byway" does not include routes listed as part of the State Scenic Highway system, Streets and Highway Code, Section 263, et seq., unless those routes, or segments of those routes, have been designated as officially designated state scenic highways.

HISTORY:

Added Stats 1993 ch 991 § 4 (AB 881).



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-15857?
PEN.....

Handwritten initials: CMM + JG and a circled signature.

DOA:.....Etzler - Scenic byways program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

Handwritten circled note: d-note

Handwritten note: granting rule-making authority and making appropriations

Handwritten note: don't get cat

1

AN ACT ...; relating to: creating a scenic byways program

Handwritten scribbles and notes: ~~rule-making~~, ~~authority~~, ~~and~~, ~~making~~, ~~appropriations~~

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

This bill creates a scenic byways program, under which the department of transportation (DOT) may designate highways that have outstanding intrinsic value as "scenic byway". The bill requires DOT to develop a corridor management plan consistent with federal law to preserve designated scenic byways' intrinsic qualities and to promote tourism and economic development. The bill prohibits the erection or maintenance of outdoor advertising signs along a designated scenic byway. The bill allows DOT to apply for federal designation of a scenic byway as a national scenic byway, which federal designation would make the scenic byway eligible for federal aid for scenic byways.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 20.395 (3) (eq) of the statutes is amended to read:

✓

1 20.395 (3) (eq) *Highway maintenance, repair and traffic operations, state*
2 *funds.* Biennially, the amounts in the schedule for the maintenance and repair of
3 roadside improvements under s. 84.04, state trunk highways under s. 84.07 and
4 bridges that are not on the state trunk highway system under s. 84.10; for highway
5 operations such as permit issuance, pavement marking, highway signing, traffic
6 signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27
7 and ch. 349; ~~for the grant under 1997 Wisconsin Act 27, section 9149 (3d) for~~ ^{the} ~~scenic~~
8 ~~byways~~ ^{Program ✓ ✓} ~~under s. 84.106;~~ and for the disadvantaged business demonstration and
9 training program under s. 84.076. This paragraph does not apply to special
10 maintenance activities under s. 84.04 on roadside improvements.

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255.

11 **SECTION 2.** 20.395 (3) (ev) of the statutes is amended to read:

12 20.395 (3) (ev) *Highway maintenance, repair and traffic operations, local*
13 *funds.* All moneys received from any local unit of government or other sources for
14 the maintenance and repair of roadside improvements under s. 84.04, state trunk
15 highways under s. 84.07 and bridges that are not on the state trunk highway system
16 under s. 84.10; for signing under s. 86.195; for highway operations such as permit
17 issuance, pavement marking, highway signing, traffic signalization and highway
18 lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27 and ch. 349; ~~for~~ ^{the} ~~scenic~~
19 ~~byways~~ ^{Program ✓} ~~under s. 84.106;~~ and for the disadvantaged business demonstration and
20 training program under s. 84.076; for such purposes. This paragraph does not apply
21 to special maintenance activities under s. 84.04 on roadside improvements.

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255.

22 **SECTION 3.** 20.395 (3) (ex) of the statutes is amended to read:

1 20.395 (3) (ex) *Highway maintenance, repair and traffic operations, federal*
2 *funds.* All moneys received from the federal government for the maintenance and
3 repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07
4 and bridges that are not on the state trunk highway system under s. 84.10; for
5 highway operations such as permit issuance, pavement marking, highway signing,
6 traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25
7 to 348.27 and ch. 349; for ^{the} scenic byway ^{Program} under s. 84.106; and for the disadvantaged
8 business demonstration and training program under s. 84.076; for such purposes.
9 This paragraph does not apply to special maintenance activities under s. 84.04 on
10 roadside improvements.

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255.

11 **SECTION 4. 84.106 of the statutes is created to read:**

12 **84.106 Scenic byways program.** (1) DESIGNATION. The department shall
13 develop, implement and administer a program to designate highways, as defined in
14 s. 340.01 (22), or portions of highways in this state that have outstanding scenic,
15 historic, cultural, natural, recreational or archeological qualities as scenic byways.
16 The department may seek designation by the federal government of a highway
17 designated as a scenic byway under this section as a national scenic byway or as an
18 All-American Road.

19 (2) MAINTENANCE. The department shall develop a corridor management plan
20 for each highway or portion of a highway designated as a scenic byway under this
21 section. The corridor management plan shall be consistent with federal law, shall
22 provide for the conservation and enhancement of the highway's intrinsic qualities
23 that led to its designation as a scenic byway and shall promote tourism and economic

1 development. A highway or portion of a highway that has been designated as a scenic
2 byway under this section[✓] shall be maintained consistent with its corridor
3 management plan.

4 (3) RULES. The department shall promulgate rules under this section
5 consistent with 23 USC 162 and regulations established under that section.

6 SECTION 5. 84.30^X (1) of the statutes is amended to read:

7 84.30 (1) LEGISLATIVE FINDINGS AND PURPOSE. To promote the safety, convenience
8 and enjoyment of public travel, to preserve the natural beauty of Wisconsin, to aid
9 in the free flow of interstate commerce, to protect the public investment in highways,
10 and to conform to the expressed intent of congress to control the erection and
11 maintenance of outdoor advertising signs, displays and devices adjacent to the
12 national system of interstate and defense highways, it is hereby declared to be
13 necessary in the public interest to control the erection and maintenance of billboards
14 and other outdoor advertising devices adjacent to said system of interstate and
15 federal-aid primary highways, scenic byways and the Great River Road.

History: 1971 c. 197; 1975 c. 196, 340, 418; 1977 c. 29 ss. 946, 1654 (1), (8) (a); 1977 c. 43, 273; 1977 c. 418 s. 924 (48); 1979 c. 90 s. 24; 1979 c. 154, 253; 1981 c. 347; 1983 a. 92, 189, 463; 1989 a. 56; 1991 a. 316; 1993 a. 16, 112, 357; 1997 a. 27.

16 SECTION 6. 84.30 (2) (a) of the statutes is amended to read:

17 84.30 (2) (a) "Adjacent area" means an area which is adjacent to and within 660
18 feet of the nearest edge of the right-of-way of any interstate or primary highway, any
19 scenic byway[✓] or the Great River Road, which 660 feet distance shall be measured
20 horizontally along a line normal or perpendicular to the center line of the highway.

History: 1971 c. 197; 1975 c. 196, 340, 418; 1977 c. 29 ss. 946, 1654 (1), (8) (a); 1977 c. 43, 273; 1977 c. 418 s. 924 (48); 1979 c. 90 s. 24; 1979 c. 154, 253; 1981 c. 347; 1983 a. 92, 189, 463; 1989 a. 56; 1991 a. 316; 1993 a. 16, 112, 357; 1997 a. 27.

21 SECTION 7. 84.30 (2) (er) of the statutes is created to read:

22 84.30 (2) (er) "Highway" has the meaning given in s. 340.01 (22).[✓]

23 SECTION 8. 84.30^X (2) (im) of the statutes is created to read:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

PI
LRB-1585/3dn
PEN.....

cmf
+
JLg

← John Etzler:

This draft creates a scenic byways program, as provided in 23 USC 162.

With respect to advertising signs, I treated scenic byways like the Great River Road under s. 84.30, stats. That section prohibits outdoor advertising in the area adjacent to federal-aid highways. I assume that the department will designate only federal-aid highways as scenic byways, although this draft does not prohibit the designation of local roads as scenic byways. Since local roads may be designated, existing s. 84.30, stats., is amended to prohibit outdoor advertising on local highways designated as scenic byways (since the prohibition against outdoor advertising applies only to interstate and primary highways). Alternatively, if the draft was limited to allowing designation only of federal-aid highways, then existing s. 84.30, stats., already seems to prohibit outdoor advertising on those highways.

add hyphen

Illinois has a nice law implementing the federal scenic byways program. See, 225 ILCS 440/14.02 (1998), Scenic byways; nomination. That law provides for withdrawing designation as a scenic highway if: 1) conditions change so that the designation is unwarranted; 2) the corridor management plan is not properly implemented; 3) the federal program is terminated; or 4) the federal program is not funded. Illinois law also allows for public hearing prior to designation as a scenic byway under state or federal law, and prohibits designating a highway that traverses a business area unless the highway "possesses one or more intrinsic qualities in such exceptional measure as to merit nomination for national designation". Do you want to include any of these provisions?

I assume you want to use the existing appropriations under s. 20.395 (3) (eq), (ev) and (ex), stats., for the scenic byways program. Correct?

Do you want this draft to address the Rustic Roads program under s. 83.42, stats? That program creates and preserves scenic roads.

Paul E. Nilsen
Legislative Attorney
261-6926

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1585/P1dn
PEN:cmh&jlg:lp

January 8, 1999

John Etzler:

This draft creates a scenic byways program, as provided in 23 USC 162.

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Paul E. Nilsen
Legislative Attorney
261-6926



John

Px 675
3A

Sen 1585

John Etzler - 1/19/95

Eliminate all references to
outdoor advertising prohibition. DOT will
establish program + its requirements by rule.

-PEN



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1585/11
PEN:cmh&jlg:lp

SOON

NOTE

✓
start Az

DOA:.....Etzler - Scenic byways program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: creating a scenic byways program granting rule-making
- 2 authority and making appropriations.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

This bill creates a scenic byways program, under which the department of transportation (DOT) may designate highways that have outstanding intrinsic value as "scenic byways". ~~The bill requires DOT to develop a corridor management plan consistent with federal law to preserve designated scenic byways' intrinsic qualities and to promote tourism and economic development. The bill prohibits the erection or maintenance of outdoor advertising signs along a designated scenic byway.~~ The bill allows DOT to apply for federal designation of a scenic byway as a national scenic byway, which federal designation would make the scenic byway eligible for federal aid for scenic byways.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.395 (3) (eq) of the statutes is amended to read:

2 20.395 (3) (eq) *Highway maintenance, repair and traffic operations, state*
3 *funds.* Biennially, the amounts in the schedule for the maintenance and repair of
4 roadside improvements under s. 84.04, state trunk highways under s. 84.07 and
5 bridges that are not on the state trunk highway system under s. 84.10; for highway
6 operations such as permit issuance, pavement marking, highway signing, traffic
7 signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27
8 and ch. 349; ~~for the grant under 1997 Wisconsin Act 27, section 9149 (3d) for the~~
9 scenic byway program under s. 84.106; and for the disadvantaged business
10 demonstration and training program under s. 84.076. This paragraph does not apply
11 to special maintenance activities under s. 84.04 on roadside improvements.

12 **SECTION 2.** 20.395 (3) (ev) of the statutes is amended to read:

13 20.395 (3) (ev) *Highway maintenance, repair and traffic operations, local*
14 *funds.* All moneys received from any local unit of government or other sources for
15 the maintenance and repair of roadside improvements under s. 84.04, state trunk
16 highways under s. 84.07 and bridges that are not on the state trunk highway system
17 under s. 84.10; for signing under s. 86.195; for highway operations such as permit
18 issuance, pavement marking, highway signing, traffic signalization and highway
19 lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27 and ch. 349; for the scenic
20 byway program under s. 84.106; and for the disadvantaged business demonstration
21 and training program under s. 84.076; for such purposes. This paragraph does not
22 apply to special maintenance activities under s. 84.04 on roadside improvements.

23 **SECTION 3.** 20.395 (3) (ex) of the statutes is amended to read:

24 20.395 (3) (ex) *Highway maintenance, repair and traffic operations, federal*
25 *funds.* All moneys received from the federal government for the maintenance and

1 repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07
2 and bridges that are not on the state trunk highway system under s. 84.10; for
3 highway operations such as permit issuance, pavement marking, highway signing,
4 traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25
5 to 348.27 and ch. 349; for the scenic byway program under s. 84.106; and for the
6 disadvantaged business demonstration and training program under s. 84.076; for
7 such purposes. This paragraph does not apply to special maintenance activities
8 under s. 84.04 on roadside improvements.

9 **SECTION 4.** 84.106 of the statutes is created to read:

10 **84.106 Scenic byways program.** (1) DESIGNATION. The department shall
11 develop, implement and administer a program to designate highways, as defined in
12 s. 340.01 (22), or portions of highways in this state that have outstanding scenic,
13 historic, cultural, natural, recreational or archeological qualities as scenic byways.
14 The department may seek designation by the federal government of a highway
15 designated as a scenic byway under this section as a national scenic byway or as an
16 All-American Road.

17 (2) MAINTENANCE. The department shall develop a corridor management plan
18 for each highway or portion of a highway designated as a scenic byway under this
19 section. The corridor management plan shall be consistent with federal law, shall
20 provide for the conservation and enhancement of the highway's intrinsic qualities
21 that led to its designation as a scenic byway and shall promote tourism and economic
22 development. A highway or portion of a highway that has been designated as a scenic
23 byway under this section shall be maintained consistent with its corridor
24 management plan.

(B)
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~~(B)~~ RULES. The department shall promulgate rules under this section

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consistent with 23 USC 162 and regulations established under that section.

SECTION 5. 84.30 (1) of the statutes is amended to read:

~~84.30 (1) LEGISLATIVE FINDINGS AND PURPOSE. To promote the safety, convenience and enjoyment of public travel, to preserve the natural beauty of Wisconsin, to aid in the free flow of interstate commerce, to protect the public investment in highways, and to conform to the expressed intent of congress to control the erection and maintenance of outdoor advertising signs, displays and devices adjacent to the national system of interstate and defense highways, it is hereby declared to be necessary in the public interest to control the erection and maintenance of billboards and other outdoor advertising devices adjacent to said system of interstate and federal-aid primary highways, scenic byways and the Great River Road.~~

SECTION 6. 84.30 (2) (a) of the statutes is amended to read:

~~84.30 (2) (a) "Adjacent area" means an area which is adjacent to and within 660 feet of the nearest edge of the right-of-way of any interstate or primary highway, any scenic byway or the Great River Road, which 660 feet distance shall be measured horizontally along a line normal or perpendicular to the center line of the highway.~~

SECTION 7. 84.30 (2) (er) of the statutes is created to read:

~~84.30 (2) (er) "Highway" has the meaning given in s. 340.01 (22).~~

SECTION 8. 84.30 (2) (im) of the statutes is created to read:

~~84.30 (2) (im) "Scenic byway" means any highway that has been officially designated by the department as a scenic byway under s. 84.106.~~

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1585/P2
PEN:cmh&jlg:hmh

DOA:.....Etzler – Scenic byways program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** creating a scenic byways program, granting rule-making
2 authority and making appropriations.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

This bill creates a scenic byways program, under which the department of transportation (DOT) may designate highways that have outstanding intrinsic value as “scenic byways”. The bill allows DOT to apply for federal designation of a scenic byway as a national scenic byway, which federal designation would make the scenic byway eligible for federal aid for scenic byways.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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9 **SECTION 2.** 20.395 (3) (ev) of the statutes is amended to read:

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11 The department may seek designation by the federal government of a highway
12 designated as a scenic byway under this section as a national scenic byway or as an
13 All-American Road.

14 (2) RULES. The department shall promulgate rules under this section
15 consistent with 23 USC 162 and regulations established under that section.

16 (END)

NOTE TO DRAFTING FILE for LRB-1585:

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

DOA:.....Etzler – Scenic byways program

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** creating a scenic byways program, granting rule-making
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13 All-American Road.

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15 consistent with 23 USC 162 and regulations established under that section.

16 (END)