



Rules of
Department of Transportation
Division 10—Missouri Highways and Transportation
Commission
Chapter 12—Scenic Byways

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

7 CSR 10-12.010 Scenic Byways

PURPOSE: This rule implements section 226.797, RSMo where the Missouri Highways and Transportation Commission is authorized to create a state system of scenic byways.

(1) The Missouri Highways and Transportation Commission (commission) may designate a road or highway under its jurisdiction as a scenic byway based upon consideration of the factors in section 226.798, RSMo.

(2) If the commission designates a road or highway under its jurisdiction as a scenic byway, it may implement protective measures to preserve and protect the designated road which may include:

- (A) Acquisition of scenic easements;
- (B) Controlled access; and
- (C) Landscaping.

(3) The commission may remove any road or highway under its jurisdiction from the state system of scenic byways after consideration of the factors outlined in section 226.798, RSMo and determination that the road or highway no longer merits designation as a scenic byway.

AUTHORITY: sections 226.020, 226.130(2), 226.797–226.799, and 227.030, RSMo 2016. Emergency rule filed April 5, 1993, effective April 15, 1993, expired Aug. 3, 1993. Emergency rule filed July 30, 1993, effective Aug. 9, 1993, expired Nov. 29, 1993. Original rule filed April 5, 1993, effective Dec. 9, 1993. Amended: Filed Jan. 9, 2014, effective Aug. 30, 2014. Amended: Filed Oct. 6, 2017, effective May 30, 2018.*

**Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; 226.797, RSMo 1990; 226.798, RSMo 1995; 226.799, RSMo 1995; and 227.030, RSMo 1939.*

7 CSR 10-12.020 Application Procedures

PURPOSE: This rule provides the public with the application procedures necessary to nominate a road or highway for scenic byway designation.

(1) Eligibility. Any agency, group, or individual may nominate a road or highway for scenic byway designation by following the application procedures provided below. This includes the

Missouri Department of Transportation and the Scenic Byway Advisory Committee described in 7 CSR 10-12.030(3).

(2) Application. Information on the application submission process and the information to be included in an application can be found on the Missouri Department of Transportation website at <http://www.modot.org/scenicbyways/> or by sending a written request to the Missouri Department of Transportation, Attention: Scenic Byways Advisory Committee, PO Box 270, Jefferson City, MO 65102.

(A) The application should include a detailed description of the proposed location and relevant historic significance, including points of interest of the proposed byway, including:

- 1. Cultural/historical/archeological;
 - 2. Recreational resources;
 - 3. Natural or scenic resources;
 - 4. Seasonal aspects (fall foliage, etc.);
- and
- 5. Special events which occur along the route.

(B) Each application should include a corridor management plan that provides the community's vision of the proposed byway and outlines a process of commitment to specific strategies and actions to manage the route over time.

1. Guidelines for preparing a corridor management plan can be obtained from the Missouri Department of Transportation.

2. An action plan should be included in the corridor management plan. This action plan should provide general goals for a five- (5-) year period and more specific goals for the first year. This action plan should include timelines and schedules for the following:

A. Protection for the maintenance of points of interest, scenic, and historic qualities of the proposed byway;

B. Proposed improvements or developments along the route and any promotional or marketing activities;

C. Proposed public involvement allowing for local participation in the development of the corridor management plan; and

D. Availability of financial resources with which to upgrade, develop, promote, and otherwise make the scenic corridor available for its intended uses. If no funding is currently available, indicate how the applicant plans to locate funding sources.

AUTHORITY: sections 226.020, 226.150, 226.797, 226.798, and 226.799, RSMo 2016 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 Oct. 6, 2017, effective May 30, 2018.

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

7 CSR 10-12.030 Nomination Review Process

PURPOSE: This rule provides the public with the steps involved in reviewing nominations for designating a route as a scenic byway.

(1) Initial Screening. The Missouri Department of Transportation 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

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

(2) Scenic Byways Advisory Committee (SBAC) Review. The application package of the nominating organization, the data report compiled by the Missouri Department of Transportation, and the letters of intent from the affected governing bodies are then presented to the SBAC for their preliminary review.

(3) SBAC. The SBAC consists of a member from each of the following:

- (A) The Missouri Division of Tourism;
- (B) The Missouri Department of Conservation;
- (C) The Missouri Department of Natural Resources;
- (D) The Missouri Outdoor Advertising Industry;
- (E) The Missouri Department of Transportation;
- (F) The American Automobile Association;
- (G) The University of Missouri-Historic Preservation;
- (H) Scenic Missouri, Inc.;
- (I) Missouri Chamber of Commerce; and
- (J) Missouri Retailers Association.



(4) Evaluation of Scenic Qualities. The SBAC evaluates the following qualities regarding scenic byway nomination in its initial review:

(A) Significant scenic, natural, historical, cultural, or recreational resources in the proposed byway area;

(B) Adequate land area to accommodate safe enjoyment of scenic attractions including a review of accident rates;

(C) Compatibility of the scenic byway with recreational, aesthetic, and environmental management needs of the area; and

(D) Presence of existing protected areas adjacent to the proposed byway such as national forests, federal, or state parkland.

(5) Rating Scale. This evaluation 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. The applicant has ninety (90) days from receipt of notification to resubmit the corrected application.

(7) Notice of Intent. Upon SBAC recommendation, the Missouri Department of Transportation 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 body of each county or municipality, after such hearing, shall approve or reject the proposed byway designation, 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 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 is responsible to review all information including the application package and summary of the public hearing prior to making a final recommendation.

(A) If the nomination is approved, the proposed byway is presented to the Missouri Highways and Transportation Commission for final approval and official designation as a scenic byway; or

(B) If the nomination is not approved, SBAC notifies the applicant of deficiencies and the applicant 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 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 Commission, a written agreement between the commission and affected governing bodies is required 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 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:

(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) 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 2016 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 Oct. 6, 2017, effective May 30, 2018.*

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