EXHIBIT 4
DATE 3-23-2009
SB SB457

Amendments to Senate Bill No. 457
3rd Reading Copy

Requested by Senator Gary Branae

For the House Transportation Committee

Prepared by Rachel Weiss
March 16, 2009 (4:23pm)

1. Title, page 1, line 7.
Following: "~~MCA;~~"
Insert: "AMENDING SECTION 60-2-602, MCA;"

2. Page 2, line 7.
Strike: the first "department"
Insert: "advisory council and commission"

3. Page 2, line 10.
Strike: "U.S."
Insert: "secondary"

4. Page 5, line 15.
Following: line 14
Insert: "Section 2. Section 60-2-602, MCA, is amended to read:

"60-2-602. Scenic-historic byways program -- rules. (1) The department shall adopt rules to effectively administer the scenic-historic byways program. The rules must include the criteria that will be considered for designating a road for inclusion in the scenic-historic byways program.

(2) In developing the criteria, to be included in the rules, for designating a road for inclusion in the scenic-historic byways program, the advisory council, commission, and department shall specifically address:

(a) factors that allow each locality choosing to participate in or seeking participation in the scenic-historic byways program the opportunity to:

(i) enhance the experience of the traveling public;

(ii) stimulate or allow for economic development and new marketing strategies; or

(iii) preserve intrinsic resources for the benefit of future generations;

(b) a methodology by which a locality choosing to participate in or seeking participation in the scenic-historic byways program may participate in the national scenic byways program, described in section 1047 of Public Law 102-240;

(c) means by which a road may be excluded from designation as a scenic-historic byway ~~by~~ <u>if</u>:

(i) an incorporated municipality ~~for~~ <u>adopts a resolution to</u>

exclude a road or segment of a road within its jurisdiction from designation as a scenic-historic byway; or

(ii) ~~a landowner for a road or segment of a road adjacent to the landowner's private property~~ a private property owner whose land is adjacent to the proposed scenic-historic byway requests that the road or road segment adjacent to the owner's property be excluded from the scenic-historic byways designation if the designation impedes or impairs the owner's private property rights or if the proposed designation is inconsistent with the corridor management plan referred to in subsection (2)(e);

(d) factors to be considered in assessing the intrinsic, scenic, historic, recreational, cultural, archaeological, educational, or natural qualities of the road nominated for inclusion in the scenic-historic byways program;

(e) factors to be considered in a locality's corridor management plan, including that the plan:

(i) serves as a visioning tool to provide direction for enhancing and marketing the corridor, but not as a land management document, zoning tool or mandate, highway improvement scoping or prioritization document, or highway management document;

(ii) accommodates commerce and commercial vehicles and maintains a safe and efficient level of highway services;

(iii) protects private property rights, including assurances that the private property rights of a person who owns land adjacent to or visible from the road are not in any way diminished by the road being designated a scenic-historic byway or are accommodated through mutually agreeable compensation;

(iv) precludes the locality having adopted the corridor management plan from establishing goals or commitments outside the locality's jurisdiction; and

(v) has accommodated all jurisdictions affected or to be affected by the designation of a road as a scenic-historic byway; and

(f) procedures to ensure that localities choosing to participate in the scenic-historic byways program:

(i) may exclude from designation any segment of a highway that is inconsistent with the state's criteria for designating scenic-historic byways. Within an excluded segment, a locality may allow off-premises advertising in the form of billboards or painted signs, subject to applicable federal, state, or local laws.

(ii) may use signage recognized as exceptions or as information signs in all areas along a designated route, provided that the signage complies with 23 U.S.C. 131, Title 60, chapter 5, part 5, Title 75, chapter 15, part 1, and all applicable state or locally adopted rules, requirements, and restrictions."

{*Internal References to 60-2-602: None.*}"

Renumber: subsequent sections