



2022
Texas Scenic Byways
Program Guide



Background

Senate Bill 941 (87th Regular Session) passed in 2021, requiring the establishment of a Texas Scenic Byway Program. In response, Section 391.256 in Subchapter I of the Transportation Code was added, and rules for the program were established in the Texas Administrative Code in [43 TAC §§15.140 – 15.147](#).

In accordance with SB 941, the Texas Scenic Byways Program was established to:

- Accept and consider nominations of eligible routes for designation as a Texas Scenic Byway.
- Receive proposals from eligible applicants for National Scenic Byway designation and funding in accordance with [Title 23, Section 162, United States Code \(U.S.C.\)](#).
- Facilitate the submittal of applications for federal grants and designation under 23 USC 162.

The National Scenic Byways Program (NSBP) is part of the U.S. Department of Transportation, Federal Highway Administration (FHWA). The program aims to recognize, preserve, and enhance roads with certain [intrinsic qualities](#) – scenic, historic, cultural, natural, recreational, or archaeological qualities - through scenic byway designation as well as national funding opportunities. FHWA's National Scenic Byways website includes additional information about the program, including previously [designated National Scenic Byways](#) and background on the [establishment](#) of the program.

Any information provided about the National Scenic Byway Program and its requirements in this document is for informational purposes only and subject to change. Any guidance provided directly by FHWA will take precedence.

Texas Scenic Byway Designation

A corridor must be designated as a Texas Scenic Byway to be eligible for national designation (23 USC 162 and 43 TAC §15.144) or funding opportunities (SB 941 and 43 TAC §15.144). TxDOT has sole discretion in designating a route as a Texas Scenic Byway.

Applications must be submitted during a call for applications, using the official Texas Scenic Byway Application available on the Texas Scenic Byways website. Applicants may submit multiple applications, but a separate application must be submitted for each proposed segment or corridor. Applications and questions about the Texas Scenic Byways Program should be submitted to TPP.Scenic.Byways@txdot.gov.

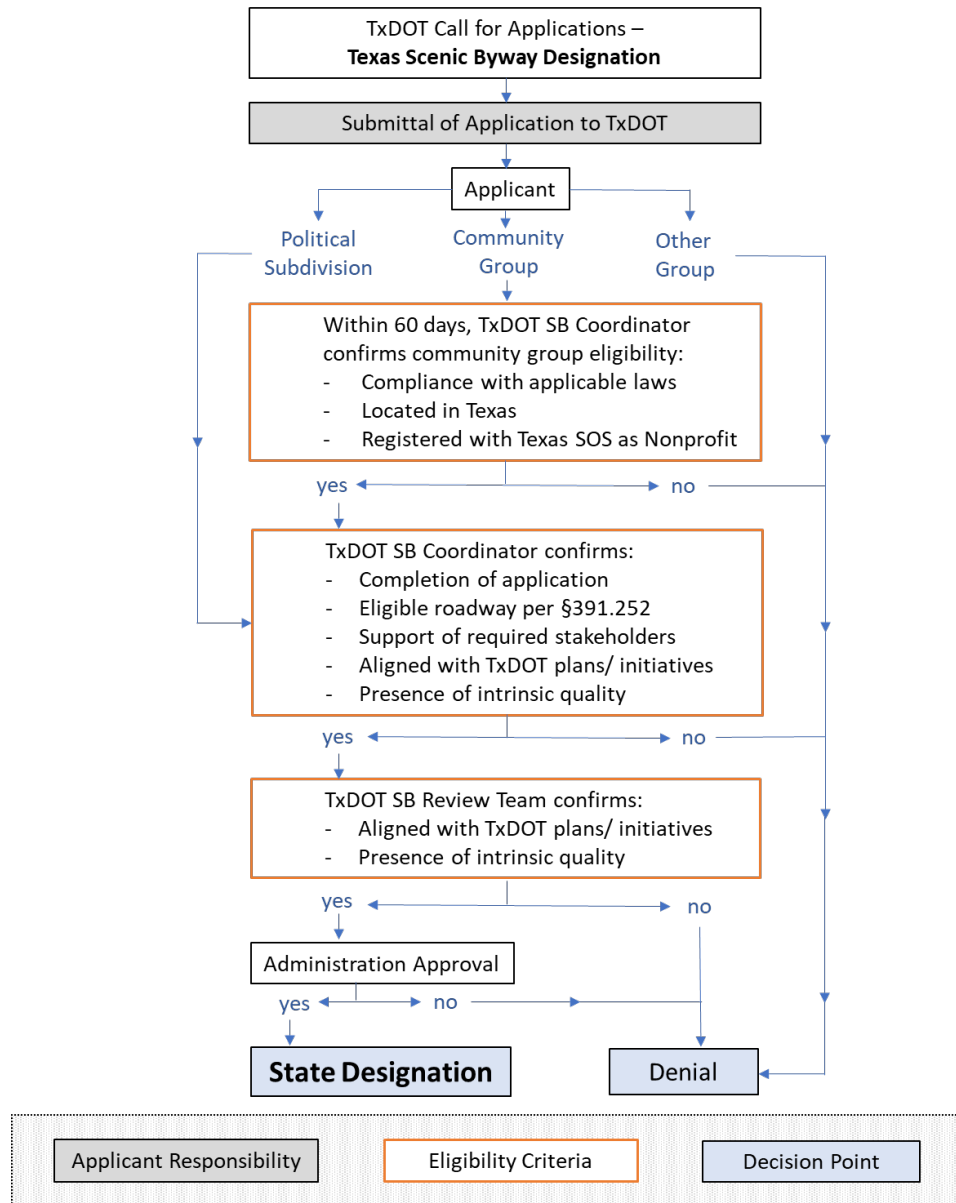
Requirements for Texas Scenic Byway Designation include the following:

- Applicant must be a Texas political subdivision or eligible community group
- In addition to other requirements, a community group must:
 - Comply with all applicable federal and state laws
 - Be located in Texas
 - Be registered with Texas Secretary of State as a Nonprofit Organization
- Corridor must be listed as eligible in [Transportation Code §391.252](#)
- Corridor must possess at least one [intrinsic quality](#)
- Applicant must obtain documented concurrence from the cities, counties, and/or national forest whose geographic area is traversed by the proposed scenic byway
- Upcoming projects and initiatives that will impact the intrinsic quality will be factored into the decision

Once received, TxDOT will review the application for eligibility and completeness. TxDOT will determine eligibility of the community group within 60 days of receiving the application (43 TAC §§15.143). Corridors that meet requirements will be designated as Texas Scenic Byways.

The flow diagram below provides a visualization of the process for obtaining Texas Scenic Byway Designation:

Obtaining Texas Scenic Byway Designation



National Scenic Byway Program

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Only after being designated as a Texas Scenic Byway will a corridor be eligible to apply for National Scenic Byway designation (23 USC 162 and 43 TAC §15.144) or grant funding (SB 941 and 43 TAC §15.144). In accordance with requirements set in 23 USC 162, SB 941, and 43 TAC §15.144(c), the applicant must first submit the application to TxDOT, who will review it to ensure it meets all requirements and submit it to FHWA.

Applicants for national designation or funding must meet requirements set by FHWA and may only submit the application during FHWA's calls for applications. These calls are posted on [FHWA's NSBP website](#). FHWA's requirements for designation and funding slightly differ from one another, and the calls for application may not always occur together. Guidance for the most recent [2020 call for nominations for designation](#) with [application questions](#), as well as the [2022 Notice of Funding Opportunity \(NOFO\)](#) can all be found on the NSBP site.

A significant requirement for National Scenic Byway designation has traditionally been a Corridor Management Plan (CMP). This requirement is described in more detail in the FAQs below and on [FHWA's NSBP website](#). In accordance with FHWA guidance, sponsors may apply for NSBP funding to develop the CMP before obtaining National Scenic Byway Designation, or they may develop the CMP using their own resources. TxDOT will review all CMPs when reviewing applications for NSBP designation to ensure they are consistent with other plans and policies and that they meet FHWA requirements.

The National Scenic Byways Program is a reimbursable program, and upon award, FHWA will provide funding in accordance with 23 USC 162(f). At the time of application and again if a grant is awarded, project sponsors will certify they are adequately staffed and suitably equipped to undertake and satisfactorily complete the project. FHWA's NSBP website currently includes archived [guidance on grant submittals](#) with [criteria](#) used to evaluate proposals, FAQs, and examples of [previously funded projects](#). Although specific requirements may change, this information may provide potential applicants insights into the process and expectations.

Post-Designation

FHWA (for National Scenic Byways) or TxDOT (for Texas Scenic Byways) may de-designate a scenic byway that no longer possesses the intrinsic qualities nor meets the criteria which supported its designation. TxDOT will contact the applicant who nominated the byway and the governmental entities with jurisdiction over the area in which the byway is located and allow them 90 days for corrective action. If the concerns are not addressed within that timeframe, TxDOT may de-designate the roadway.

Frequently Asked Questions

What is a Corridor Management Plan?

The Corridor Management Plan (CMP) has traditionally been a requirement for National Scenic Byway Designation but is not required for Texas Scenic Byway designation. According to past FHWA guidance, the CMP should outline goals, strategies, and responsibilities to promote, preserve, and enhance a scenic byway. It may address issues like tourism development, historic and natural preservation, roadway safety, and economic development. Local governments, community organizations, and byway residents all contribute to its development, set goals, and later implement the objectives within it. It is an opportunity for all to collaborate and put together a vision and goals for the corridor. The document does not create any new laws, regulations, or ordinances, but rather, it builds upon them. It is generally a “living document” that may be updated as needed.

What are the implications of designation of a scenic byway?

Neither state nor national scenic byway designation nor the development of the CMP create any new laws, regulations, or ordinances. [Commercial signs](#), which are prohibited on all scenic byways per [23 USC 131](#), are already prohibited on all roads [eligible](#) for Texas Scenic Byway designation.

Similarly, designation by itself does not directly impact future roadway improvements. However, the process of obtaining designation can bring together key stakeholders, start conversations, and lead to a consensus required for such changes.

What are potential benefits of becoming a scenic byway?

Designation of a corridor as a National Scenic Byway provides some recognition. All National Scenic Byways are promoted on the FHWA website. They may also be promoted through the creation of maps, other literature, and the placement of signage along the corridors. For some scenic byways, this increased recognition can help spur tourism and economic development.

In addition to National Scenic Byway Program and a limited number of other funding opportunities, organizations like the [National Scenic Byways Foundation](#) also provide support such as training opportunities and help developing a CMP, promoting the byway, and enhancing intrinsic qualities.

What are potential costs to the sponsor and/or local government?

Costs will vary depending on how active stakeholders are in developing the CMP and maintaining, enhancing, and promoting the byway and its intrinsic qualities. Sponsors must all invest the time to complete the application. Sponsors and/or local governments may also need or want to contribute to the development of the CMP, the implementation of projects, and the maintenance of the intrinsic qualities of the corridor once designated. Although grant funding may be available through FHWA, and TxDOT can provide match funding using state highway funds, these opportunities may be limited.