

## Calendar No. 116

116TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
116-61

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### REVIVING AMERICA'S SCENIC BYWAYS ACT OF 2019

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JULY 23, 2019.—Ordered to be printed

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Mr. BARRASSO, from the Committee on Environment and Public Works, submitted the following

### R E P O R T

[To accompany S. 349]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 349) to require the Secretary of Transportation to request nominations for, and make determinations regarding, roads to be designated under the national scenic byways program, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

#### GENERAL STATEMENT AND BACKGROUND

The National Scenic Byways Program was established under the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, and is part of the Department of Transportation's (DOT) Federal Highway Administration (FHWA). The program is a grass-roots collaborative effort established to help recognize, preserve, and enhance selected roads throughout the United States. Pursuant to the program, the Secretary of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational, and scenic qualities. The FHWA discontinued the process for designating roads under the National Scenic Byways Program because the Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012 did not provide funding for the grant program.

S. 349, Reviving America's Scenic Byways Act of 2019, restarts the designation process by requiring the Secretary of Transportation to issue a request for nominations with respect to roads to be designated under the program, and make publicly available a

list specifying the roads designated. S. 349 does not provide funding for the program.

#### OBJECTIVES OF THE LEGISLATION

The objectives of S. 349 are to protect and promote America’s scenic roadways. To achieve this, the bill requires the Secretary of Transportation (Secretary) to issue a request for nominations with respect to roads to be designated under the national scenic byways program, requires the Secretary to make the request for nominations available on the appropriate website of the Department of Transportation, and requires, not later than 1 year after the issuance of the request for nominations, that the Secretary make publicly available on the appropriate website of the Department of Transportation a list specifying the roads, nominated pursuant to such request, to be designated under the National Scenic Byways program.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

This section states that this Act may be cited as the “Reviving America’s Scenic Byways Act of 2019”.

##### *Sec. 2. National Scenic Byways Program*

This section requires the Secretary of Transportation to issue a request for nominations with respect to roads to be designated under the National Scenic Byways Program, and make publicly available a list specifying the roads designated.

#### LEGISLATIVE HISTORY

On February 6, 2019, Senator Collins introduced S. 349, Reviving America’s Scenic Byways Act of 2019, with Senator Cardin as an original cosponsor. The bill was read twice and referred to the Senate Committee on Environment and Public Works. Senators Coons, King, Shaheen, Van Hollen, Warren, and Whitehouse are additional co-sponsors. The Committee met on June 19, 2019, and ordered S. 349 favorably reported by voice vote with an amendment in the nature of a substitute offered by Senator Cardin.

#### HEARINGS

No legislative hearings were held by the Committee on Environment and Public Works to consider S. 349.

#### ROLLCALL VOTES

On June 19, 2019, the Committee on Environment and Public Works met to consider S. 349. The bill was ordered favorably reported by voice vote with an amendment in the nature of a substitute. No roll call votes were taken.

#### REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee finds that S. 349 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

## MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the Committee notes that the Congressional Budget Office found that S. 349 contains no intergovernmental or private-sector mandates.

## COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 10, 2019.*

Hon. JOHN BARRASSO,  
*Chairman, Committee on Environment and Public Works,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 349, the Reviving America's Scenic Byways Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

PHILLIP L. SWAGEL.

Enclosure.

<b>S. 349, Reviving America's Scenic Byways Act of 2019</b>			
As reported by the Senate Committee on Environment and Public Works on June 19, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	n.e.
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
n.e. = not estimated; * = between zero and \$500,000			

S. 349 would require the Department of Transportation (DOT) to solicit nominations of roads for the National Scenic Byways Program. DOT is authorized to designate scenic byways that are nominated by states, Indian tribes, and federal land management agencies and that meet certain other qualifications. States, tribes, and land management agencies that control such roads have been eligible to receive grants and technical assistance for maintenance and improvement projects. In the past, contract authority (a form of mandatory budget authority) was provided to fund such activities,

but no grants have been made since 2012 and that authority expired in 2013.

Under the bill, DOT would be required to post the request for nominations on its website and to designate new scenic byways within one year. The bill would not authorize appropriations for this program and accordingly CBO does not estimate any increased spending for grants or technical assistance.

Using data from DOT about the number of designations before 2009 (the most recent year in which designations were made) and information from a recent survey of likely applicants, CBO estimates that DOT would receive roughly 50 nominations and would need the equivalent of one to two full-time staff for up to a year to assess those nominations. As a result, CBO estimates, implementing the bill would cost less than \$500,000 over the 2019–2024 period; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

